

**REGULAR MEETING  
AGENDA**

PURSUANT TO A.R.S. § 38-431.02, NOTICE IS HEREBY GIVEN TO THE MEMBERS OF THE FLORENCE TOWN COUNCIL AND TO THE GENERAL PUBLIC THAT THE FLORENCE TOWN COUNCIL WILL HOLD A MEETING OPEN TO THE PUBLIC ON MONDAY, JULY 20, 2015, AT 5:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

**1. CALL TO ORDER**

**2. ROLL CALL:** Rankin \_\_, Walter \_\_, Woolridge \_\_, Hawkins \_\_,  
Guilin \_\_, Anderson \_\_, Wall \_\_\_\_.

**3. WORK SESSION ON TOWN LEASE POLICY**

**4. MOMENT OF SILENCE**

**5. PLEDGE OF ALLEGIANCE**

**6. CALL TO THE PUBLIC**

Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

**7. PUBLIC HEARINGS AND PRESENTATION**

- a. **Public Hearing** on an application received from Piero Buccellato for a zone change on approximately .36 acres, located at 680 East 1st Street, Florence, Arizona, from Neighborhood Multi-Family Zoning District to Highway Business Commercial Zoning District; and first reading of Ordinance No. 631-15: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING A ZONE CHANGE ON .36 ACRES, FROM NEIGHBORHOOD MULTIPLE FAMILY ZONING DISTRICT TO HIGHWAY BUSINESS COMMERCIAL ZONING DISTRICT (APN 200-47-001B).
- b. **Public Hearing** on an application for a zone change to change existing zoning from Neighborhood Office, Highway Business Commercial and Multi-Family Residential to Downtown Commercial in an area bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east; and first reading of Ordinance No. 632-15: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA,

APPROVING THE DOWNTOWN COMMERCIAL (DC) ZONE CHANGE LOCATED IN AN AREA GENERALLY BOUND BY RUGGLES STREET TO THE NORTH, BUTTE AVENUE TO THE SOUTH, QUARTZ STREET TO THE WEST AND PINAL STREET TO THE EAST (PZ-15-37 ZC/PZC-37-14-ZC).

- c. Presentation by the Greater Florence Chamber of Commerce recognizing American Legion Post #9 as the Business of the Month.
8. CONSENT: All items on the consent agenda will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.
- a. **Adoption of Resolution** No. 1530-15: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE MAP OF DEDICATION FOR MAIN STREET AND FIRST STREET FOR INSTALLATION AND DEDICATION OF REQUIRED PUBLIC IMPROVEMENTS.
  - b. **Adoption of Resolution** No. 1531-15: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ACCEPTING TRIBAL GAMING FUNDS GRANTED BY THE GILA RIVER INDIAN COMMUNITY.
  - c. **Adoption of Resolution** No. 1532-15: A RESOLUTION OF TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN, INTERIM TOWN MANAGER LISA GARCIA, AND INTERIM FINANCE DIRECTOR MARCIA GOERDT TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE TOWN OF FLORENCE BANKING ACCOUNTS, AND DECLARING AN EMERGENCY.
  - d. **Adoption of Resolution** No. 1533-15: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN AND INTERIM TOWN MANAGER LISA GARCIA TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE POLICE EVIDENCE TRUST FUND AT NATIONAL BANK OF ARIZONA, AND DECLARING AN EMERGENCY.
  - e. Approval of the **June 1, June 10, June 15, June 18, June 22** and **June 22, 2015** Council minutes.
  - f. Receive and file the following board and commission minutes:
    - i. **April 9 and May 11, 2015** Arts and Culture Commission minutes.
    - ii. **May 27, 2015** Historic District Advisory Board minutes.
    - iii. **May 20 and June 17, 2015** Joint Use Library Advisory Board minutes.
    - iv. **April 23, 2015** Parks and Recreation Advisory Board minutes.
    - v. **May 7, 2015** Planning and Zoning Commission minutes.

## 9. NEW BUSINESS

- a. **Discussion/Approval/Disapproval** of the Property Lease Policy.
- b. **Discussion/Approval/Disapproval** to enter into a Lease Agreement with Bucks 4 Style, LLC, for Suite 102, in the Silver King Market Place.

## 10. **MANAGER'S REPORT**

## 11. CALL TO THE PUBLIC


## 12. CALL TO THE COUNCIL

## 13. ADJOURNMENT

Council may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the Town's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3).

POSTED ON JULY 16, 2015, BY LISA GARCIA, TOWN CLERK, AT 775 NORTH MAIN STREET, 1000 SOUTH WILLOW STREET, FLORENCE, ARIZONA, AND AT [WWW.FLORENCEAZ.GOV](http://WWW.FLORENCEAZ.GOV).

**\*\*\*PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE TOWN OF FLORENCE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY REGARDING ADMISSION TO PUBLIC MEETINGS. PERSONS WITH A DISABILITY MAY REQUEST REASONABLE ACCOMMODATIONS BY CONTACTING THE TOWN OF FLORENCE ADA COORDINATOR, AT (520) 868-7574 OR (520) 868-7502 TDD. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.\*\*\***

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 3.</b>
<b>MEETING DATE:</b> July 20, 2015  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Jennifer Evans, Management Analyst  <b>SUBJECT:</b> Work session on the Property Lease Policy		<input type="checkbox"/> Action <input checked="" type="checkbox"/> Information Only <input type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <ul style="list-style-type: none"> <li><input type="checkbox"/> Regulatory</li> <li><input type="checkbox"/> 1<sup>st</sup> Reading</li> <li><input type="checkbox"/> 2<sup>nd</sup> Reading</li> </ul> <input type="checkbox"/> Other

**RECOMMENDED MOTION/ACTION:**

None, provided for information only.

**BACKGROUND/DISCUSSION:**

The work session allows for further discussion of the draft Property Lease Policy and the lease rates at the Silver King Marketplace. Current Silver King Marketplace tenants have been invited to attend the work session so they may be involved in the discussion about lease rates.

The draft Property Lease Policy applies to the Silver King Marketplace and Brunenkant Buildings. The draft policy includes portions of the existing Silver King Marketplace Lease Policy that will be replaced by the Property Lease Policy.

In the draft Property Lease Policy, Section 5.31 General Lease Rental Rates states that properties shall be rented on a gross lease basis at fair market rent. An administrative fee of 5% of the rental rate will be assessed on all leases. Fair market rent is defined as rental income that a public and private property would most likely command in the open market, indicated by the current rents paid for comparable space. Payments of higher than market rate, lower than market rate, and security deposits are addressed in this section. Section 5.31 also specifies lease rates at the Silver King Marketplace. The rates range from \$2.50 to \$6.00/SF for retail space and \$6.00 to \$10.00/SF for non-retail uses which are the same rates as those listed in the Silver King Marketplace Lease Policy.

Per Section 5.33 Utilities, the Town of Florence will maintain accounts for electric, water, and gas service. Tenants will be invoiced for utility costs on a monthly basis. The Town pays for costs associated with the common areas and the telephone line that is required for the fire suppression system. Tenants pay for cable, telephone, and internet service.

Electric and water utilities at the Silver King Marketplace can be invoiced for each suite now that separate meters have been installed in the building. The first line of Section 5.332 has been deleted to remove the utility rate assessment on a per square foot basis.

**FINANCIAL IMPACT:**

The financial impact of the Property Lease Policy will be determined by the lease rate charged for space at the Silver King Marketplace and Brunenkant Building in addition to the 5% administration fee that could be assessed on each lease.

**STAFF RECOMMENDATION:**

None, for discussion and direction prior to staff completing the policy for Council consideration.

**ATTACHMENTS:**

Property Lease Policy  
Silver King Marketplace Lease Policy

**Town of Florence**



<b>POLICY TITLE:</b> PROPERTY LEASE POLICY	<b>EFFECTIVE DATE:</b>
<b>RESPONSIBLE DEPARTMENT:</b> Administration	<b>AP / RESOLUTION No.:</b> Resolution No.
<b>APPROVAL:</b> <input type="checkbox"/> TOWN MANAGER    SIGNATURE: _____ <input checked="" type="checkbox"/> TOWN COUNCIL    DATE APPROVED: _____	<b>REFERENCES:</b>

**1.0 Purpose**

Provide guidance and outline procedures for all leasing activities on properties owned by the Town of Florence.

**2.0 Scope**

The policy applies to surplus properties owned by the Town of Florence. The properties are not required for current municipal use, but can be leased on an interim basis and held for possible future use.

**3.0 Responsibilities**

- 3.1** The Town Council has responsibility for approving and adopting the lease policies and for final approval of all leases.
- 3.2** The Town Manager or designee is responsible for all lease negotiation activities and for implementing and administering the lease policies and procedures.
- 3.3** The Town Finance Department is responsible for the billing and collection of all rents, utilities, and late payments.

**4.0 Policies**

**4.1 General**

- 4.11 The Town of Florence will lease property when it is in the overall best interest of the Town to do so. The Town will seek to maximize the value of its assets and lease property for the highest and best use.
- 4.12 The Town will implement its leasing program in a fair and nondiscriminatory manner and in accordance with all local, state and

Federal legal requirements. Opportunities for leases on Town owned properties will be made available to the public through the request for proposal process described herein.

4.13 The Town will lease property to a tenant for a specific purpose or use. Leasing for the purpose of speculation, subleasing, or assignment of leases is not allowed.

4.14 All properties, ~~with the exception of the Silver King Marketplace~~, identified as available for lease by the Town of Florence shall be subject to the lease policies and procedures contained herein.

#### **4.2 Acceptable and Unacceptable Uses**

4.21 All uses and activities on properties made available for lease are subject to the Town General Plan, zoning ordinances and other applicable local, state, and federal laws and regulations.

4.22 The Town Council may restrict specific Town properties to certain uses or classes of use. Such properties will be available for leasing only for such uses.

4.23 Businesses whose primary purpose is office and administrative operations are prohibited from leasing a suite on the ground level of the Silver King Marketplace. The second floor space is available for both retail and non-retail uses.

4.24 ~~A lease is not extended to a proposed tenant in the Silver King Marketplace if the business is in direct competition with an existing business located within the building.~~

4.25 Leases in the Silver King Marketplace are not extended to residential dwellings, clubs, and membership organizations.

4.26 Space within the Silver King Marketplace will not be leased or rented on a temporary basis for special events. Tenants of the Silver King Marketplace may hold special events in as much as these events are within the confines of their regular business and are meant to increase foot traffic to the tenant's business.

4.27 Businesses leasing space in the Silver King Marketplace should promote foot traffic, contribute to the vibrancy of the downtown and not be considered a prohibited use in accordance with Section 6.0 of this policy.

### **5.0 Procedures**

#### **5.1 Requests for Proposal Procedures and Evaluation Process**

5.11 A submitted proposal shall include:

5.111 A clear and precise narrative description of the proposed use of the property.

5.112 A specific time schedule and benchmarks for development.

5.113 Any other information that is directly pertinent to the proposal scoring criteria contained in Section 5.13.

5.114 Other required attachments may be requested including, but not limited to applicant information, business plan, site plan, certificate of insurance, financial information, partnership or corporation statement, and references.

5.115 Any other information required by the Town of Florence.

5.12 All proposals shall be evaluated by the Town Manager or designee.

5.13 The criteria for evaluating proposals shall include, but is not limited to the following:

5.131 Compatibility with neighboring uses and consistency with applicable land use regulations including the General Plan.

5.132 The development plan including all proposed phases and timetables.

5.133 Submittal of a business plan.

5.134 Experience of the applicant in the proposed business or venture.

5.135 Financial capability or backing of the applicant including credit history, prior lease history, and assets that will be used to support the proposed development.

5.136 The number of employees that will be hired.

5.137 The proposed rental rate.

5.138 Other financial impacts such as tax revenues, stimulation of related or spin-off economic development.

5.139 Other long term social and economic development.

5.14 After evaluating the proposals, the Town Manager or designee shall make a recommendation on a successful applicant to the Town Council. The



recommendation shall be forwarded with the lease document for presentation to the Town Council for approval.

- 5.15 The Town Council shall approve the proposed lease, disapprove the proposed lease, or remand the unapproved lease to the Town Manager with comments.

## **5.2 Lease Implementation**

- 5.21 The Town Manager or designee may develop one or more standardized building leases, as many as necessary to apply to each Town building available for leasing, containing standard provisions applicable to all leases of space in a Town owned building. The standard lease documents shall be reviewed by the Town Attorney, approved by the Town Council, and executed by the Mayor.

- 5.22 The Town Manager or designee is responsible for lease negotiations, including any negotiated changes in the standard lease terms. The Town Manager or designee shall take into consideration the following when negotiating the terms of the lease:

5.221 The nature of the proposed use.

5.222 The type and cost of the improvements to be placed in or on the property, and whether such improvements shall remain in or on the property after the expiration or termination of the lease.

5.223 Period of time required to amortize the improvements.

5.224 Overall benefit to the Town.

5.225 Consistency with the General Plan and all other relevant land use codes and regulations.

5.226 Date of commencement and completion of improvements.

5.227 Other factors deemed relevant by the Town Manager or designee.

## **5.3 Lease Rental Rates and Payments**

### **5.31 General Lease Rental Rates**

- 5.311 Properties shall be rented on a gross lease basis at fair market rent. An administrative fee of 5% of the rental rate will be assessed on all leases. Government property lease excise tax will be assessed in accordance with A.R.S. § 42-6201 et seq.

5.312 Payment of a higher than market rate resulting from an applicant's proposal is generally in the public interest and will help to establish fair market rent using current market forces.

5.313 The Town Council may approve a lease of Town property for less than fair market rent only if the motion approving the lease contains a finding that the lease is for a valuable public purpose or use and ~~it~~ states such public purpose or use.

5.314 A security deposit of no less than one month rent is paid by the tenant upon approval of the lease by the Town Council. The deposit may be increased or decreased depending on the type of business, length of lease and information in the business plan.

5.315 Lease rental rates at the Silver King Marketplace range from \$2.50 to \$6.00 per square foot for retail businesses. Rent for non-retail businesses is \$6.00 to \$10.00 per square foot.

5.32 Rental Rate Determination: Factors that may be considered when determining the specific lease rate for individual leases include:

5.321 The highest and best use of the ~~land~~property.

5.322 The Town's economic development objectives.

5.323 The location of the property.

5.324 Alternative valuation methodologies as negotiated by both parties.

5.325 Parameters set out by the Town Council under Section 5.31.

### 5.33 Utilities

5.331 The Town of Florence will maintain accounts for electric, water, and gas service, as applicable. Tenants will be invoiced for utility costs on a monthly basis.

5.332 ~~The utility rate at the Silver King Marketplace is assessed on a per square foot basis, per month.~~ The Town bears the costs for the common area square footage and costs associated with the dedicated phone line used ~~by~~for the fire suppression system. The tenant bears the full costs of all cable, internet, and telephone service, if so elected, including deposits, setup, and cancellation fees. The Town reserves the right to adjust the utility rate semi-annually.

### 5.34 Collection of payment

Payment of rent and utilities are due on the first day of each month. If the first day of the month falls on a Saturday, Sunday or holiday then the rent shall be due the next regular business day. The tenant has a five-day grace period and it is the sole responsibility of the tenant to pay their rent and utilities at the beginning of each month. The Town will assess a \$25.00 late fee after the five day grace period. The Town will also assess returned check fees pursuant to local laws and regulations.

#### **5.4 Tenant Improvements**

- 5.41 All tenant improvements requests must be submitted, in writing, when the lease application is submitted to the Town of Florence. The tenant may also submit tentative improvements requests, in writing, after the lease has been accepted by the Town. All tenant improvement requests must be approved by the Town Manager or designee prior to construction.
- 5.42 All tenant improvements which require a building permit must be performed by a licensed commercial contractor and approved by Town staff.
- 5.43 If a building permit is required, the tenant must follow the Town's processes and procedures to obtain a building permit from the Community Development Department.
- 5.44 If a tenant improvement is permanent in nature (e.g. flooring and lighting) and adds value to the leased space, the Town Manager or designee makes the final determination whether the proposed improvements are acceptable prior to the tenant making the improvement.

#### **5.5 Duration and Conclusion of Leases**

- 5.51 All leases are for one year with a mutual option for two one-year renewals. The term may be shorter or longer depending on the tenant, potential tenant improvements and preference of the Town.
- 5.52 A lease is terminated when the lease expires, the tenant provides proper notification per the lease or the tenant defaults per the lease agreement.
- 5.53 Any unpaid amount owed to the Town by the tenant requires the Town to follow debt collection procedures. This may include Town staff making collection calls, referring the debt to a collection agency, or requesting the Town Attorney to initiate legal action on the lease agreement.
- 5.54 At the end of the lease, the Town conducts an inspection of the premises and documents any damages. The estimated damage amount is removed from the security deposit. If the estimated damage amount exceeds the security deposit, the Town will charge the tenant for the remaining balance

of repairs. Any remaining balance of the security deposit is returned to the tenant 30 days after the lease has expired.

#### 5.55 Lease Default

5.551 If the tenant does not perform the types of services as outlined in their business plan, becomes 30 days delinquent on lease payments, or fails to meet the covenants of the lease, the Town declares a landlord lien and begins the eviction process.

5.552 When the Town declares a landlord lien, a certified letter is sent to the tenant informing them of the landlord lien. The Town also enters the premises to post a notice of the landlord lien and lock the leased premises. The tenant will have five business days from the post date of the letter to respond and satisfy the outstanding issues identified. If no action is taken to remedy the cause of termination of the lease, the Town will either sell the merchandise and equipment within the space to satisfy any delinquency or will remove the contents of the space and store the items off-site at the tenant's expense. If a termination occurs, the tenant forgoes any and all rights to the security deposit and the tenant is assessed a \$150.00 re-key fee.

#### 5.56 Conclusion of Lease

5.561 Tenant improvements constructed by the tenant shall be left in place unless removal is authorized or required by the provisions of the lease. If the lease authorizes or requires removal of improvements, they may be removed prior to the conclusion of the lease if doing so would not damage the leased property or adjoining properties. Removing improvements shall be coordinated with and approved by the Town Manager or designee prior to commencement of activities.

5.562 Unless otherwise agreed to by parties, when the tenant is authorized or required to remove improvements, the tenant shall remove all improvements made on the property by tenant prior to termination of the lease.

5.563 When authorized or required to remove improvements, if tenant fails to do so prior to the termination date of the lease, tenant shall forfeit the improvements to the Town and shall receive no compensation. The Town may require the tenant to pay to the Town the costs incurred by the Town in removing and disposing of the improvements.

5.564 Unless otherwise provided in the lease, or agreed to in writing by the parties, the tenant shall restore the property to the same condition it was in at the time the lease was executed by the tenant.

## **5.6 Insurance**

5.61 The tenant must provide the Town of Florence with a copy of the insurance policy naming the Town, its agents, officers, officials and employees as additional insured. The tenant must have coverage of a least \$1,000,000 of comprehensive public liability (i.e. bodily injury, broad form property damage, personal injury and blanket contractual coverage) and \$1,000,000 per each occurrence. If the tenant's operations require the use of open flame, tenant will also provide insurance coverage for fire and casualty on the leased premises in an amount sufficient to provide replacement cost of the leased premises. The Town Manager or designee may raise the required amount at his/her discretion depending upon trends in the insurance industry, value of the building and the tenant's business.

5.62 Certificates of Insurance showing the required insurance is in effect and identifying the Town of Florence as an additional insured shall be provided to the Town of Florence initially at the time a lease becomes effective and annually thereafter, and upon every change in insurance provider or insurance coverage.

5.63 All insurance policies must be in effect for the duration of the lease term, or longer if stated in the lease, and the Town must be notified of any changes to policies.

## **5.7 Hazardous Materials**

5.71 The tenant shall not allow hazardous materials to be used or kept on Town property, except as specifically permitted or necessary for the tenant's lawful use and approved of the property.

5.72 The tenant's use of hazardous materials, if permitted, shall comply with all applicable laws and regulations.

5.73 The tenant shall not pollute or contaminate the environment with discharges, leaks, or emissions of hazardous materials.

5.74 The tenant shall be required to promptly notify the appropriate authorities and the Town of any discharge or spill and to clean up the impacted area at tenant's own expense in compliance with applicable laws.

5.75 Tenant shall be fully liable for all damages, costs and expenses related to a violation of the terms of the lease with respect to the use, storage, cleanup, remediation, or disposal of hazardous materials.

## **5.8 Signage**

- 5.81 The tenant has the right, at its sole risk and expense, to erect and thereafter, to repair or replace, if the tenant so elects, signs on the exterior of the leased property. The tenant must remove any such signs within 15 days after termination of the lease and repair all damage occasioned thereby to the leased premises at the tenant's sole cost and expense.
- 5.82 Any and all signage erected by the tenant must conform to all applicable laws and ordinances outlined in Town Code Chapter 150, Part 3 (Sign Regulations).
- 5.83 Tenants will pay a fee of \$75.00 for an exterior sign on the east side of the Silver King Marketplace at the time of the lease. The signage fee is non-refundable and covers the cost and proper hanging of the sign. The tenant provides the Town with the business name and, if necessary, the services it provides. More extensive signs, such as additional rider shingle signs, may require a higher signage fee, per the discretion of the Town Manager or designee.

## **5.9 Performance Standards**

- 5.91 All properties leased by the Town are to be maintained in a proper, safe, clean, and orderly fashion taking into consideration its permitted use, surrounding properties, zoning, and other applicable laws and regulations.
- 5.92 The Town of Florence reserves the right to enter leased property and the structures thereon at all reasonable times. This includes regular annual inspections.
- 5.93 All commercial structures shall at all times be in compliance with applicable building, fire, mechanical, electrical and other regulations.
- 5.94 Applicable building code and fire marshal inspections must be performed and certified to the Town upon completion of all renovations, remodels, and/or new construction.
- 5.95 Easements or rights-of-way on the leased parcel shall not be used in any way that interferes with the rights of the holders or any person(s) lawfully using the easement or right-of-way.
- 5.96 Easements or rights-of-way outside of the leased parcel and/or immediately adjacent to it shall not be used for storage, parking, or any other unauthorized uses.

5.97 Failure to comply with the performance standards listed in this section or any other provisions or stipulations contained in the lease are grounds for termination of the lease if the tenant does not rectify the problem after reasonable notice by the Town.

## 6.0 Definitions

**6.1 Fair Market Rent:** Rental income that a public and private property would most likely command in the open market; indicated by the current rents paid for comparable space.

**6.2 Tenant Improvements:** Any changes made to the interior of a tenant space within the property to accommodate the individual needs of the leased space, such as flooring, wall coverings, window coverings, ceilings, partitions, air conditioning, fire protection and security.

**6.3 Landlord Lien:** Lien placed on a tenant's property for the satisfaction of unpaid rent or property damage.

**6.4 Prohibited Uses:** Neither the Town nor the tenant shall permit the following uses inside or on the premises of the Silver King Marketplace:

Manufacturing or industrial purposes.

Sale, distribution or display of any drug paraphernalia primarily used in the use or ingestion of illicit drugs.

Any purpose prohibited by law.

A tattoo or piercing parlor.

Any off-track betting club or facility.

Any operation primarily used as a storage facility.

An adult bookstore or facility selling or displaying pornographic books, literature or videotapes.

Church or place of worship, not to include religious bookstores or other ecclesiastical retail goods.

A pawn shop.

A gun shop.

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## 7.0 Supplemental Forms

Standard Lease Agreement

**Resolution No. 1340-12**

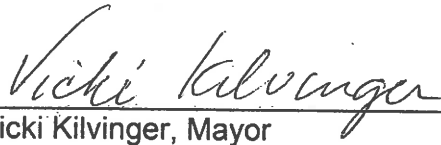
**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING THE TOWN OF FLORENCE SILVER KING MARKETPLACE LEASE POLICY.**

**WHEREAS**, it has been brought to the attention of the Mayor and Council that the Town of Florence desires to establish a policy for leasing space in the Silver King Marketplace; and

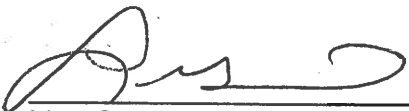
**THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Florence, Arizona, that the Silver King Marketplace Lease Policy is hereby effective May 16, 2012, as provided in Exhibit A, which is attached hereto and incorporated herein as if set forth in full.

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Town of Florence, Arizona, that the Silver King Marketplace Lease Policy is hereby established as a public record, three (3) copies of which shall remain on file with the Town Clerk.

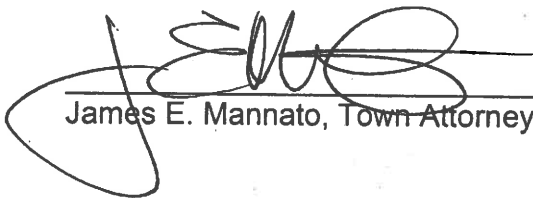
**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence, Arizona, this 16<sup>th</sup> day of April 2012.

  
\_\_\_\_\_  
Vicki Kilvinger, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Lisa Garcia, Town Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
James E. Mannato, Town Attorney



**Town of Florence**



<b>POLICY TITLE:</b> SILVER KING MARKETPLACE LEASE POLICY	<b>EFFECTIVE DATE:</b> MAY 16, 2012
<b>RESPONSIBLE DEPARTMENT:</b> Administration	<b>AP / RESOLUTION No.:</b> Resolution No. 1340-12
<b>APPROVAL:</b> <input type="checkbox"/> TOWN MANAGER SIGNATURE: _____ <input checked="" type="checkbox"/> TOWN COUNCIL DATE APPROVED: _____	<b>REFERENCES:</b>

**1.0 Purpose**

Provide guidance and outline procedures for the leasing of commercial space within the Silver King Marketplace to the public.

**2.0 Scope**

Utilization of a Town-owned property as a business incubator to promote small business and attract new businesses to downtown Florence.

**3.0 Responsibilities**

3.1 The Economic Development Coordinator serves as Project Manager on all Silver King Marketplace-related issues. Other responsibilities include negotiating the tenant lease; coordinating with other departments and personnel of the Town of Florence (Town) during the leasing process; and act as the primary point-of-contact for tentative and current lessees of the Silver King Marketplace. The Economic Development Coordinator coordinates maintenance and repairs with the Town Public Works Department.

3.2 The Town Finance Department is responsible for the billing and collection of all rents, utilities and late payments.

**4.0 Policy**

**4.1 Acceptable and Unacceptable Uses**

4.11 All uses must conform to existing Downtown Commercial (DC) zoning. Even though many uses are allowed in downtown Florence, not all are suitable for the Silver King Marketplace. Businesses leasing space in the Silver King Marketplace should promote foot traffic, contribute to

the vibrancy of the downtown and not be considered a prohibited use in accordance to Section 5.0 of this policy.

- 4.12 Businesses whose primary purpose is office and administrative operations are prohibited from leasing a suite on the ground level. The second floor space is available to both retail and non-retail establishments.
- 4.13 If a proposed business is in direct competition with an existing business located within the Silver King Marketplace, where competition is a detriment, then a lease is not extended.
- 4.14 Residential dwellings, clubs, and membership organizations are not extended a lease.
- 4.15 No space within the Silver King Marketplace is leased or rented on a temporary basis for special events. Leased tenants of the Silver King Marketplace can hold special events in as much as these events are within the confines of their regular business and are meant to increase foot traffic to the tenant's business.

#### **4.2 Leasing Procedures and Termination of Lease**

The primary purpose of the Silver King Marketplace is to revitalize the downtown by offering reduced rate rents to new or expanding retail, including possible non-retail operations on the second floor. Since rent rates are reduced over the current market rates, it is necessary to ensure a level of oversight and assistance to ensure the Town is helping businesses grow.

##### **4.21 Business Plan**

4.211 The applicant must produce a business plan that includes a two year pro forma that is submitted to the Economic Development Coordinator and/or Town Manager.

4.2111 If the business is currently in operation (i.e. relocation to the Silver King Marketplace) or the lease is short term, or less than one year, then the business plan requirement and pro forma can be waived at the discretion of the Economic Development Coordinator and/or Town Manager.

4.212 Upon receipt of the business plan, the requested lease space is placed on hold for 14 days to allow the Economic Development Coordinator to review submitted documents and information. The Economic Development Coordinator can choose to extend the hold period for another 14 days or release the space.

4.213 If the business plan is insufficient, the Economic Development Coordinator returns the business plan to the prospective tenant with comments to correct the issues in question.

4.214 Once a business plan is deemed acceptable by the Economic Development Coordinator a lease is offered to the prospective tenant. The space remains on hold until a lease can be agreed upon or until an impasse is declared. If an impasse is declared by the Town, then the space becomes available for lease to other prospective tenants.

#### **4.22 Lease Approval**

4.221 Once a lease is negotiated between the tenant and the Economic Development Coordinator, the lease is placed on the next available Town Council agenda for review.

4.222 The lease is approved by the Town Council and executed by the Mayor.

4.223 Tenant pays all applicable fees including security deposit, sign fee and provides proof of insurance.

4.224 Tenant receives keys and is granted access to occupy the leased suite.

#### **4.23 Tenant Improvements**

4.231 All tenant improvements must be submitted, in writing, when the lease application is initially delivered to the Economic Development Coordinator. The tenant can also submit tentative improvements, in writing, after the lease has been accepted by the Town. All tenant improvements which require a building permit must be performed by a competent, licensed contractor and approved by Town staff.

4.232 If a building permit is required, the tenant must follow the Town's processes and procedures to obtain a building permit from the Town Community Development Department.

4.233 Regardless of the requirement to obtain a permit from the Town Community Development Department, the Economic Development Coordinator makes the final determination if the proposed improvements are acceptable.

4.234 If the tenant improvement is permanent in nature (e.g. flooring and lighting) and adds value to the leased space, the Economic Development Coordinator may consider extending a lease credit. Any improvements that receive a lease credit will then become the property of the Town and the tenant is solely

responsible for repairing any damages to the improvement for the duration of the lease contract.

**4.24 Duration**

All leases are for one year with a mutual option for a two year renewal. The term may be shorter or longer depending on the tenant, potential tenant improvements and preference of the Economic Development Coordinator. After completion of the initial term, terms of three years are offered with an option for a one year renewal.

**4.25 Termination**

A lease is terminated when the lease expires, the tenant provides proper notification per the lease or the tenant defaults per the lease agreement.

**4.26 Unpaid Balance**

Any unpaid amount owned to the Town by a tenant requires the Town to follow the debt collection procedures. This includes Town staff making collection calls and the possibility of referring the debt to a collection agency and follows the procedure outlined in Section 4.27 of this policy.

**4.27 Lease Close Out**

At the end of the lease, the Town conducts an inspection of the premise and documents any damages. The estimated damage amount is removed from the security deposit. If the estimated damage amount exceeds the security deposit, the Town charges the tenant for the remaining balance of repairs. Any remaining balance of the security deposit is returned to the tenant 30 days after the lease has expired.

**4.28 Lease Default**

4.281 If the tenant does not perform the types of services as outlined in their business plan, becomes 30 days delinquent on lease payments, or fails to meet the covenants of the lease, the Town declares a landlord lien and begins the eviction process.

4.282 When the Town declares a landlord lien a certified letter is sent to the tenant informing them of the landlord lien. The Town also enters the premise to post a notice of the landlord lien. The tenant will have five business days from the post date of the letter to respond and satisfy the outstanding issues identified. If no action is taken to remedy the cause of termination of the lease, the Town will either sell the merchandise and equipment within the space to satisfy any delinquency or will remove the contents of the space and store the items off-site at the tenant's expense. If a termination occurs, the tenant forgoes any and all rights to the security deposit and the tenant is assessed a \$150 rekey fee.

#### **4.3 Parking**

Tenants have non-exclusive, or non-reserved, parking in common with the Town, other tenants of the Silver King Marketplace, and their guests and invitees. All common automobile parking areas, driveways, and footways are subject to the rules and regulations of the Town. The Town reserves the right to designate parking areas within the Silver King Marketplace, or in reasonable proximity, for the tenant and tenant's agents and employees.

#### **4.4 Signage**

##### **4.41 Exterior Signage**

The Town will provide one exterior sign, which is located on the east side of the Silver King Marketplace. The tenant is required to purchase this first exterior sign/s as outlined in Section 4.75. The tenant has the right, at its sole risk and expense, to erect and thereafter, to repair or replace, if the tenant so elects, signs on the exterior of the Silver King Marketplace. The tenant must remove any such signs 15 days after termination of the lease and repair all damage occasioned thereby to the lease premise at the tenant's sole cost and expense.

##### **4.42 Interior Signage**

The tenant has the right, at their sole risk and expense, to erect, maintain, place and install usual and customary signs and fixtures in the interior of their leased unit.

##### **4.43 Rules and Regulations**

Any and all signage erected by the tenant must conform to all applicable laws and ordinances outlined in Town Code Chapter 150, Part 3 (Sign Regulations).

#### **4.5 Exterior Spaces**

All common areas, such as walkways, stairways, verandas, porches, parking lots, etc. are to be for the enjoyment and use of all tenants and the general public. These spaces are not to be considered extensions of a tenant's leased space. Common areas can be utilized for display of advertisements, art, and common seating as long as these additions are approved by the Town. These additions must also comply with all Town zoning regulations and Americans with Disabilities Act (ADA) Accessible Elements and Spaces: Scope and Technical Requirements.

#### **4.6 Smoking**

4.61 In accordance with the Smoke-Free Arizona Act (A.R.S. §36-601.01), smoking is strictly prohibited within the Silver King Marketplace. Smoking is also prohibited 20 feet from all establishment entrances, open windows, or ventilation systems as long as tobacco smoke is not infiltrating into the non-smoking areas. Other prohibited areas include

lobbies, elevators, restrooms, reception areas, halls, stairways, and any other enclosed common-use areas.

4.62 County health departments are in charge of investigating complaints about violations of the Smoke-Free Arizona Act. The County health department will notify the tenant about the complaint, and/or conduct an inspection within 15 days after receipt of the complaint. If a violation is found, the tenant receives a warning notice and is subject to fines between \$100 to \$500 per violation per day or up to \$5,000 per violation per day if a Superior Court determines there is a pattern of noncompliance. An individual who smokes where prohibited is guilty of a petty offense and may be fined from \$50 to \$300.

#### 4.7 **Payments and Fees**

Payment of fees and the terms and conditions of the lease are as follows:

##### 4.71 **Rent Schedule**

Rent rates shall range from \$2.50 to \$6.00 per square foot for retail establishments. Rent for non-retail establishments is \$6.00 to \$10.00 per square foot. The Economic Development Coordinator determines the lease rate.

##### 4.72 **Utilities**

The utility rate is assessed per square foot with the Town covering the common area square footage. The initial rate range is from \$0.45 to \$0.55 per square foot, per month. The tenant bears the full cost of all cable, Internet and phone costs, if so elected, including deposits and setup and cancellation fees. The Town bears all costs associated with the dedicated phone line utilized by the fire suppression system. The Town reserves the right to adjust the utility rate semiannually.

##### 4.73 **Collection of payment**

Payment of rent and utilities are due on the first day of each month and are payable at the finance window located at Town Hall, 775 North Main Street, P.O. Box 2670, Florence, Arizona 85132. If the first day of the month falls on a Saturday, Sunday or holiday, then the rent shall be due the next regular business day. The tenant has a five day grace period and it is the sole responsibility of the tenant to pay their rent and utilities at the beginning of each month. The Town assesses a \$25.00 late fee after the five (5) day grace period lapses. The Town will also assess returned checks fees pursuant to local laws and regulations.

##### 4.74 **Security Deposit**

A security deposit of no less than one month rent is paid by the tenant at the time the Town Council approves the lease. The deposit may be increased or decreased depending on the type of business, length of lease and information provided in the business plan.

**4.75 Signage Fee**

A signage fee of \$75.00 for an exterior sign on the east side of the Silver King Marketplace is paid by the tenant at the time of the lease. The signage fee is non-refundable and covers the cost and proper hanging of the sign. The tenant provides the Town with the business name and, if necessary, the services it provides. More extensive signs, such as additional rider shingle signs, may require a higher signage fee, per the discretion of the Economic Development Coordinator.

**4.76 Proof of Insurance**

The tenant must provide the Economic Development Coordinator a copy of the insurance naming the Town, its agents, officers, officials and employees as additional insured. The tenant must have coverage of a least \$1,000,000 of comprehensive public liability (i.e. bodily injury, broad form property damage, personal injury and blanket contractual coverage) and \$1,000,000 per each occurrence. The Economic Development Coordinator may raise this amount at his/her discretion depending upon trends in the insurance industry, value of the building and the tenant's business.

**4.8 Indemnification**

The lease must contain the indemnification language, approved by the Economic Development Coordinator and Town Attorney, to ensure the tenant holds the Town harmless in all events.

**5.0 Definition**

**Landlord Lien:** When the Town has determined a tenant is in breach of the leasing agreement.

**Non-Retail:** Any business whose primary operations do not involve selling goods or commodities.

**Prohibited Uses:** Neither the Town nor the tenant shall permit the following uses inside or on the premise of the Silver King Marketplace.

Manufacturing or industrial purposes.

Sale, distribution or display of any drug paraphernalia primarily used in the use or ingestion of illicit drugs.

Any purpose prohibited by law.

A tattoo or piercing parlor.

Any off-track betting club or facility.

Any operation primarily used as a storage facility.

An adult bookstore or facility selling or displaying pornographic books, literature or videotapes.

Church or place of worship, not to include religious bookstores or other ecclesiastical retail goods.

A pawn shop.

A gun shop.

Any assembling, manufacturing, distilling, refining, smelting, agricultural, or mining operation.

An auction house or similar operation.

Any living quarters, sleeping apartments or lodging rooms.

Funeral or funeral planning services.

A daycare center.

A liquor store, other than upscale gourmet wine stores.

A check-cashing or payday loan operation.


**Retail:** A business whose primary business activity is selling goods or commodities to the public.

**Tenant Improvement:** Any changes made to the interior of a tenant space within the Silver King Marketplace to accommodate the individual needs of the leased space, such as flooring, wall coverings, window coverings, ceilings, partitions, air conditioning, fire protection and security.

## 6.0 Supplemental Forms

### 6.1 Blank Lease



	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>7a.</b>
<b>MEETING DATE:</b> July 20, 2015  <b>DEPARTMENT:</b> Community Development  <b>STAFF PRESENTER:</b> Mark Eckhoff, AICP Community Development Director  <b>SUBJECT:</b> Ordinance No. 631-15: 1 <sup>st</sup> Street zone change (PZ-15-30-ZC)		<input type="checkbox"/> Action <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Regulatory <input checked="" type="checkbox"/> 1 <sup>st</sup> Reading <input type="checkbox"/> 2 <sup>nd</sup> Reading <input type="checkbox"/> Other

**RECOMMENDED MOTION/ACTION:**

On July 20, 2015, public hearing and first reading of Ordinance No. 631-15: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING A ZONE CHANGE ON .36 ACRES, FROM NEIGHBORHOOD MULTIPLE FAMILY ZONING DISTRICT TO HIGHWAY BUSINESS COMMERCIAL ZONING DISTRICT (APN 200-47-001B).

On August 3, 2015, motion to adopt Ordinance No. 631-15.

**REQUEST:**

Piero Buccellato requests approval of the following application:

A zone change request to change the zoning on approximately .36 acres, located at 680 East 1st Street, Florence, Arizona, from Neighborhood Multi-Family Zoning District (R-2) to Highway Business Commercial Zoning District (B-2) (APN 200-47-001B).

**BACKGROUND/DISCUSSION:**

The Buccellato family has operated the popular A & M Pizza restaurant for several years and the family is now looking at a potential opportunity to expand their business presence in Florence on the subject and adjacent site.

Piero Buccellato and his father have purchased two properties off of 1st Street and State Route 79. One lot is zoned Highway Business Commercial Zoning District (B-2) and the other lot is zoned Neighborhood Multi-Family Zoning District (R-2).

The intent of this application is to rezone the subject R-2 zoned property and then expand onto the existing development on the B-2 lot by adding parking, landscaping

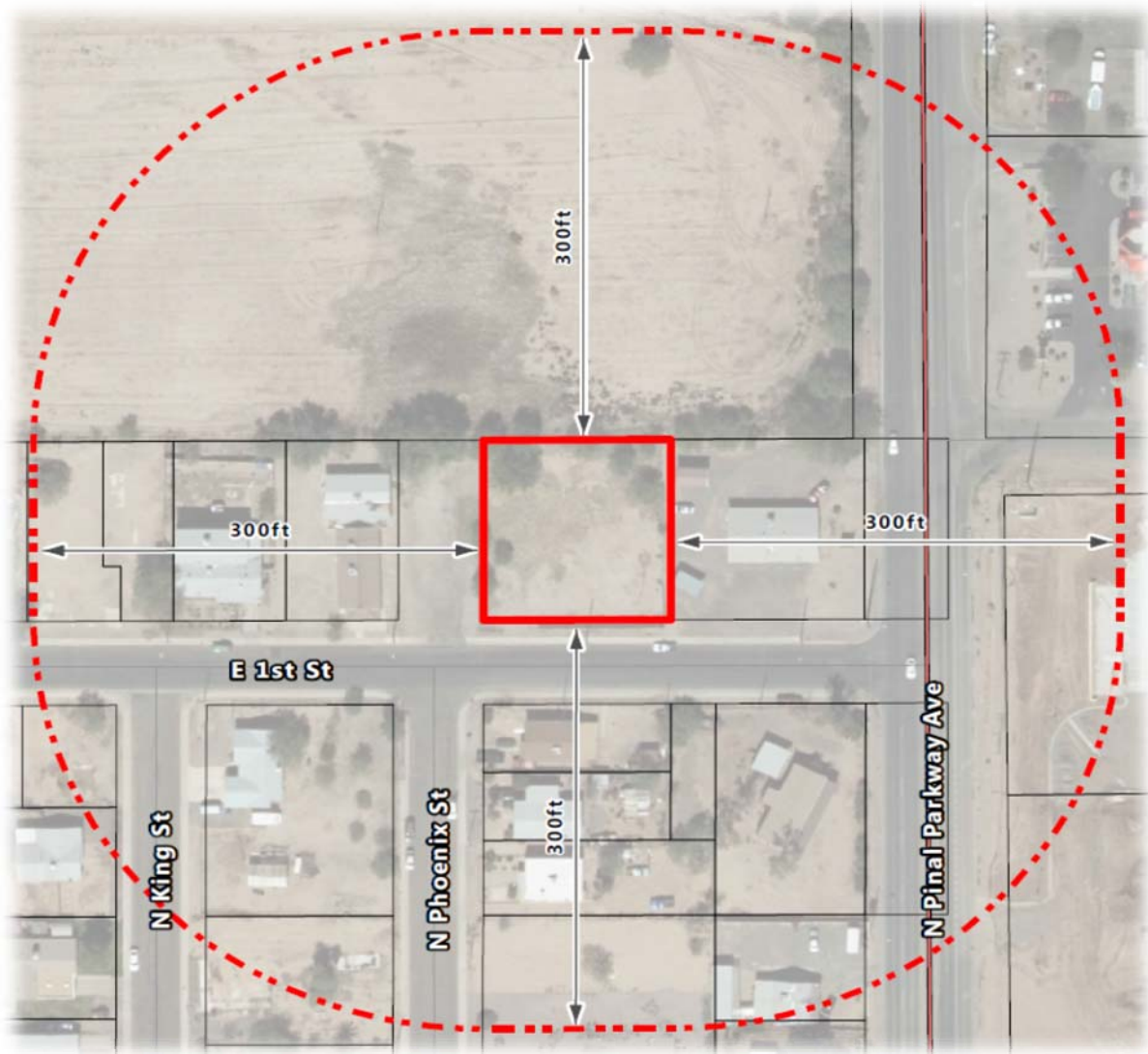
and other needed improvements. Finding suitable sites off of Highway 79 has been an ongoing task until the opportunity to combine these two parcels became a viable option.

This combination of lots is vital to the proposed commercial/retail uses in order to accommodate site improvements, setbacks and Arizona Department of Transportation (ADOT) required right-of-way. The subject parcels are designated as Highway Mixed Use (HMU) in the Town 2020 General Plan. The HMU designation is primarily intended to assist with the revitalization of older areas and to provide for a mix of highway-oriented retail goods and commercial services for commuters, workers and residents.

**ANALYSIS:**

<b>Surrounding Land Uses and Zoning Districts:</b>		
	<b>Zoning Classification</b>	<b>Existing Use</b>
<b>North</b>	Territory Square Planned Unit Development Zoning District (PUD)	Town Facilities
<b>East</b>	Highway Business Commercial Zoning District (B-2)	Commercial Retail/Professional Office
<b>South</b>	Neighborhood Multi-Family Zoning District (R-2)	Residential
<b>West</b>	Single-Family Residential (R1-6)	Residential
<b>On-Site</b>	Neighborhood Multi-Family Zoning District (R-2)	Commercial Retail

## Map of the Area



The overall development site consists of two parcels: one parcel is situated fronting State Route 79, and the second parcel is located behind the highway frontage property. The front lot is zoned Highway Business Commercial Zoning District (B-2) and the rear lot is zoned Neighborhood Multi-Family Zoning District (R-2). The subject R-2 parcel has no permanent structure(s) on site. The applicant will combine the two parcels if the zone change is approved by the Town Council.

The applicant has attended Technical Review Committee meetings with staff and has worked diligently to respond to staff concerns. The Design Review application for a proposed restaurant is anticipated soon.

**FINDINGS:**

Staff offers the following findings for the consideration of the Planning and Zoning Commission and Town Council:

1. The proposed zoning is consistent with the Town of Florence 2020 General Plan, specifically the HMU designation.
2. The proposed zoning and development of the site should facilitate ongoing revitalization and redevelopment efforts along the State Route 79 Corridor.
3. Minimal impact will result to surrounding property owners from proposed zone change.

**PUBLIC PARTICIPATION:**

A notice for the Planning and Zoning Commission public hearing was mailed to all property owners within 300 feet of the site. Property posting for notice of public hearings was posted on site and advertisements in the local Town paper per Town requirements. Under Arizona Revised Statutes, Title 9, Section-462.04 and Town of Florence Development Code, a public hearing is required for a zone change.

The applicant conducted a neighborhood meeting on June 11, 2015. Attendees at this meeting were interested in understanding the applicant’s plans. No opposition was expressed. Additionally, staff notes that, as of this writing, no additional public comments have been received for or against the zone change.

**HEARING DATES:**

The tentative Planning and Zoning Commission/Town Council meeting schedule for this application is as follows:

June 11, 2015	Neighborhood Meeting
June 18, 2015	Planning and Zoning (public hearing)
July 20, 2015	Town Council (public hearing and 1 <sup>st</sup> reading)
August 3, 2015	Town Council (2 <sup>nd</sup> reading/action)

All meetings, except for the neighborhood meeting, will be held at Town Hall Council Chambers, 775 North Main Street, Florence, Arizona, 85132. The neighborhood meeting was held at 694 East 1st Street, on June 11, 2015.

**FINANCIAL IMPACT:**

Approval of this zone change will allow Piero Buccellato to proceed with the development of their proposed restaurant, which will have a positive impact on the Town.

**RECOMMENDATION:**

The Planning and Zoning Commission found that the zone change for (PZ-15-30 ZC) is in compliance with the Town's 2020 General Plan and is in the interest of general welfare, health and safety of the public. The Planning and Zoning Commission has forwarded a unanimous favorable recommendation on this zone change to the Mayor and Town Council, subject to the following conditions:

1. The development of the subject site, as described in Exhibit A attached, shall be in conformance to any applicable Town Codes and ordinances.
2. Property owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. §12-1134], pursuant to the waivers attached hereto as Exhibit B.
3. Any additional conditions deemed necessary by the Town Council.

**ATTACHMENTS:**

Ordinance No. 631-15  
Exhibit A  
Exhibit B  
Application Materials

**ORDINANCE NO. 631-15**

**AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING A ZONE CHANGE ON .36 ACRES, FROM NEIGHBORHOOD MULTIPLE FAMILY ZONING DISTRICT TO HIGHWAY BUSINESS COMMERCIAL ZONING DISTRICT (APN 200-47-001B).**

**WHEREAS**, a request to change the existing zoning on the subject property from Neighborhood Multi-Family Zoning District (R-2) to Highway Business Commercial Zoning District (B-2) has been proposed and a public hearing has been held by the Planning and Zoning Commission; and

**WHEREAS**, the Planning and Zoning Commission has found the zone change is in conformance with the 2020 Town's General Plan; and

**WHEREAS**, the Planning and Zoning Commission has forwarded the Mayor and Council of the Town of Florence, a favorable recommendation for the zone change, subject to certain conditions; and

**WHEREAS**, said proposal has been considered by the Mayor and Council of the Town of Florence and the recommended zone change has been found to be appropriate and further found to promote the health, safety and welfare of the residents of the Town and its orderly growth.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Florence, Arizona, as follows:

The Zoning Map of Florence, Arizona, is hereby amended by changing the zoning classification of the parcel of land depicted on Exhibit A, attached hereto, from Neighborhood Multi-Family Zoning District (R-2) to Highway Business Commercial Zoning District (B-2), subject to the following conditions:

1. The development of the subject site, as described in Exhibit A attached, shall be in conformance to any applicable Town Codes and Ordinances.
2. Property owners agree to waive claims for diminution in value, pursuant to Proposition 207 [A.R.S. §12-1134], pursuant to the waivers attached hereto, as Exhibit B.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence, Arizona, this 3<sup>rd</sup> day of August 2015.

\_\_\_\_\_  
Tom J. Rankin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

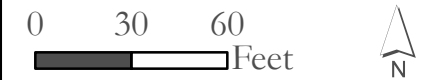
\_\_\_\_\_  
Lisa Garcia, Town Clerk

\_\_\_\_\_  
Clifford L. Mattice, Town Attorney



**Exhibit A:**  
**Parcel 200-47-001B**  
**1st St. Zone Change**  
**PZ-15-30-ZC**

-  Site Location
-  Parcel Lines
-  Town Limits

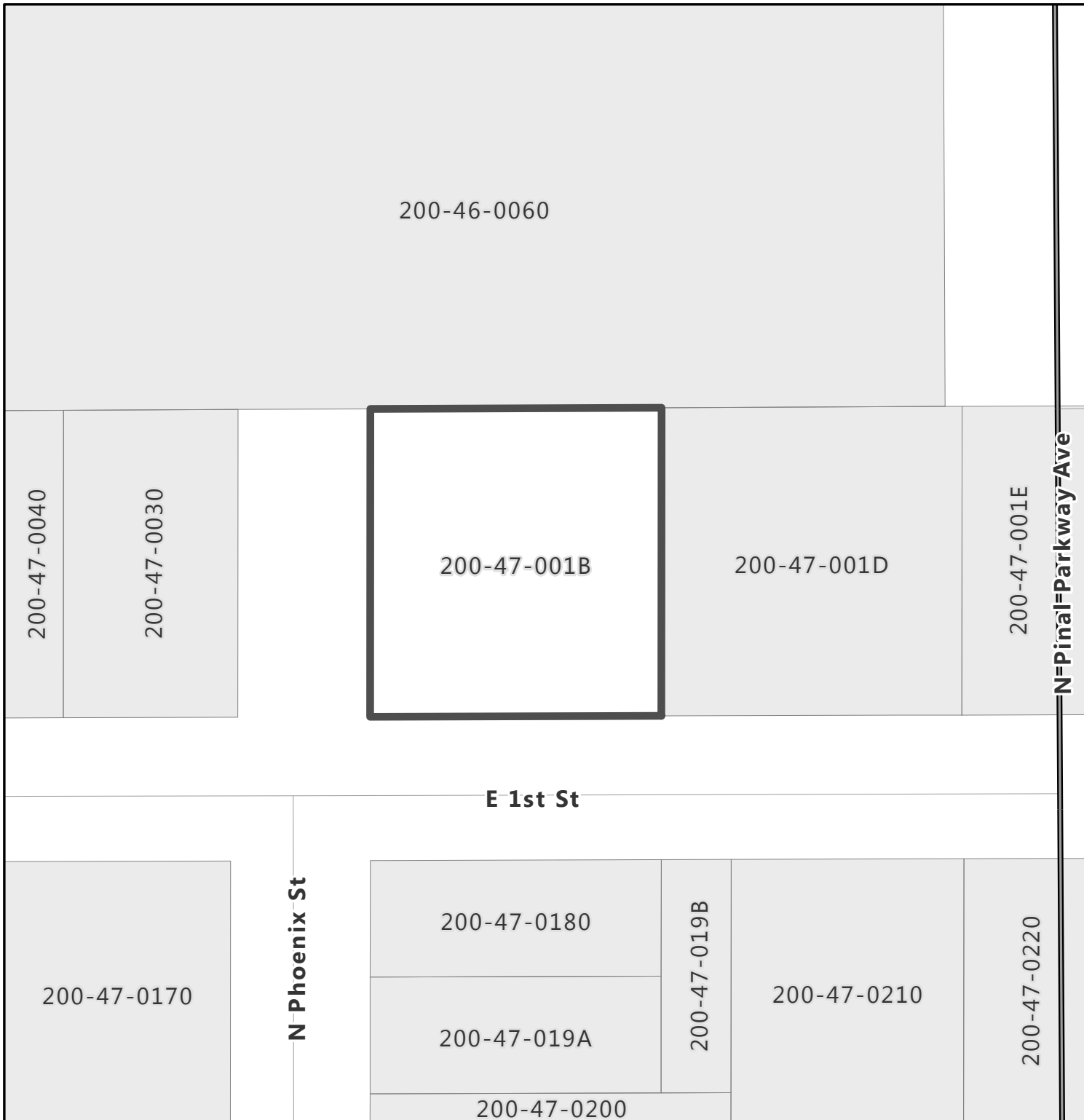


**Legal Description**

All of Block 2, of TOWNSITE OF FLORENCE, according to the plat recorded in the office of the County Recorder of Pinal Count, Arizona, recorded in Book 1 of Maps, Page 1.

This map is created for reference purposes only and is to be used at your own risk. The Town of Florence makes no warranty as to the accuracy or completeness of the information contained in this map and assumes no liability for any errors or omissions contained therein, nor for any direct, indirect, or consequential damages which may be caused by its use. It is the user's responsibility to verify all information contained herein.

6/24/2015 2015-68



**EXHIBIT B**

**CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE**

The undersigned is/are the owner(s) of the subject land described in Exhibit A hereto that is the subject of a Zone Change Application PZ 15-30 ZC. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zone Change Application PZ 15-30 ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zone Change Application PZ 15-30 ZC. Except as expressly set forth in the Zone Change Application PZ- 15-30 ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

APN 200-47-001B

**Parcel(s)**

680 East 1<sup>st</sup> Street

**Physical or Mailing Address**



**Owner(s) Signature**

Piero Buccellato

**Print or Type Name**

STATE OF ARIZONA )  
County of Pinal ) ss

On this 26<sup>th</sup> day of June, 20 15, before me, the undersigned Notary Public, personally appeared PIERO BUCCELLATO, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:

Tracie Wilgus  
Notary Public





## **NOTICE OF PUBLIC HEARINGS FLORENCE TOWN COUNCIL**

Notice is hereby given that the Town Council of Florence, Arizona will hold Public Hearings on Monday, July 20, 2015 at 6:00 PM at Florence Town Hall located at 775 N. Main Street, Florence, Arizona, 85132 to discuss the following applications:

1. **PZ-15-30 ZC Public Hearing.** A zone change request by Piero Buccellato to change the zoning on approximately .36 acres, located at 680 East 1<sup>st</sup> Street, Florence, Arizona from Neighborhood Multi-Family Zoning District (R-2) to Highway Business Commercial Zoning District (B-2). (APN 200-47-001B). A detailed description of the proposed Zone Change request is available for viewing at the Town of Florence Community Development Department.
  
2. **PZ-15-37 ZC/PZC-37-14-ZC. Public Hearing.** A Zone Change request by the Town of Florence to change existing zoning from Neighborhood Office (NO), Highway Business Commercial (B-2) and Multiple Family Residential (MFR) to Downtown Commercial (DC) in an area bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east. A detailed description of the proposed Zone Change request is available for viewing at the Town of Florence Community Development Department.

Additional information on the above cases can be obtained Monday thru Friday from 8 AM to 5 PM at the Town of Florence Community Development Department located at 224 West 20th Street, Florence, Arizona 85132 or please call (520) 868-7542.

Pursuant to Title II of the Americans with Disabilities Act (ADA), the Town of Florence does not discriminate on the basis of disability regarding admission to public meetings. Persons with a disability may request reasonable accommodations by contacting the Town of Florence ADA Coordinator at (520) 868-7574 or (520) 868-7502 TDD. Requests should be made as early as possible to allow time to arrange the accommodation.

No. of publications: One; date of publication: June 25, 2015.

# APPLICATION FOR REZONING

PROJECT NAME: First Street Zone Change

APPLICATION TYPE:  Rezoning  PUD  PUD Amendment

1. Property Owner: Name: Piero Buccellato  
Address: 10099 East Hayloft  
Florence Az, 85132  
Phone: 520-431-2505  
Email: Pbuccellato@gmail.com

2. Applicant/Developer: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

3. Address or Location of Property: 680 East 1<sup>st</sup> Street, Florence Az, 85132

4. Legal Description of Property: If applicable, include Lot(s), Block(s), and Subdivision Name: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Tax Parcel Numbers: APN- 200-47-001B

Gross Acres: .36 Net Acres: \_\_\_\_\_


5. Current Zoning District: R-2

6. Proposed Zoning District: B-2

 4/23/2015  
SIGNATURE OF PROPERTY OWNER or REPRESENTATIVE DATE

**FOR STAFF USE ONLY:**

CASE NO. <u>PZ-15-30 ZC</u>	APPLICATION DATE AND TIME <u>4/23/2015</u>
PZ HEARING DATE <u>June 18, 2015</u>	FEE \$ <u>\$536.00</u>
1 <sup>st</sup> TC HEARING DATE <u>July 20, 2015</u>	REVIEWED BY: <u>Gilbert Ogin</u>
2 <sup>nd</sup> TC HEARING DATE <u>August 3, 2015</u>	
RECOMMENDATION: APPROVAL	DISAPPROVAL

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>7b.</b>
<b>MEETING DATE:</b> July 20, 2015  <b>DEPARTMENT:</b> Community Development  <b>STAFF PRESENTER:</b> Mark Eckhoff, AICP Community Development Director  <b>SUBJECT:</b> Ordinance No. 632-15: Downtown Commercial DC Zone Change (PZ-15-37-ZC/PZC-37-14-ZC)		<input type="checkbox"/> Action <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <ul style="list-style-type: none"> <li><input type="checkbox"/> Regulatory</li> <li><input checked="" type="checkbox"/> 1<sup>st</sup> Reading</li> <li><input type="checkbox"/> 2<sup>nd</sup> Reading</li> </ul> <input type="checkbox"/> Other

**RECOMMENDED MOTION/ACTION:**

On July 20, 2015, public hearing and first reading only.

On August 3, 2015, motion to adopt Ordinance No. 632-15: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE DOWNTOWN COMMERCIAL ZONE CHANGE LOCATED IN AN AREA GENERALLY BOUND BY RUGGLES STREET TO THE NORTH, BUTTE AVENUE TO THE SOUTH, QUARTZ STREET TO THE WEST AND PINAL STREET TO THE EAST (PZ-15-37-ZC/PZC-37-14-ZC).

**REQUEST:**

The Town of Florence requests approval of the following application:

A zone change request to change existing zoning from Neighborhood Office (NO), Highway Business Commercial (B-2) and Multi-Family Residential (MFR) to Downtown Commercial (DC) in an area bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east.

**BACKGROUND/ANALYSIS:**

The General Plan envisions that the Downtown Commercial (DC) Zoning District ultimately encompasses a land area that is generally bound by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east. The purpose of the DC Zoning District is to provide a legal zoning category that helps to maintain and enhance the character of the downtown historic core. The intent of the District is to promote a pedestrian-oriented specialty retail district by encouraging the improvement of the pedestrian environment, delineating the appropriate land uses within the District and ensuring that new buildings are designed to be compatible with

the historic fabric of the area and development continues to occur at the appropriate scale.

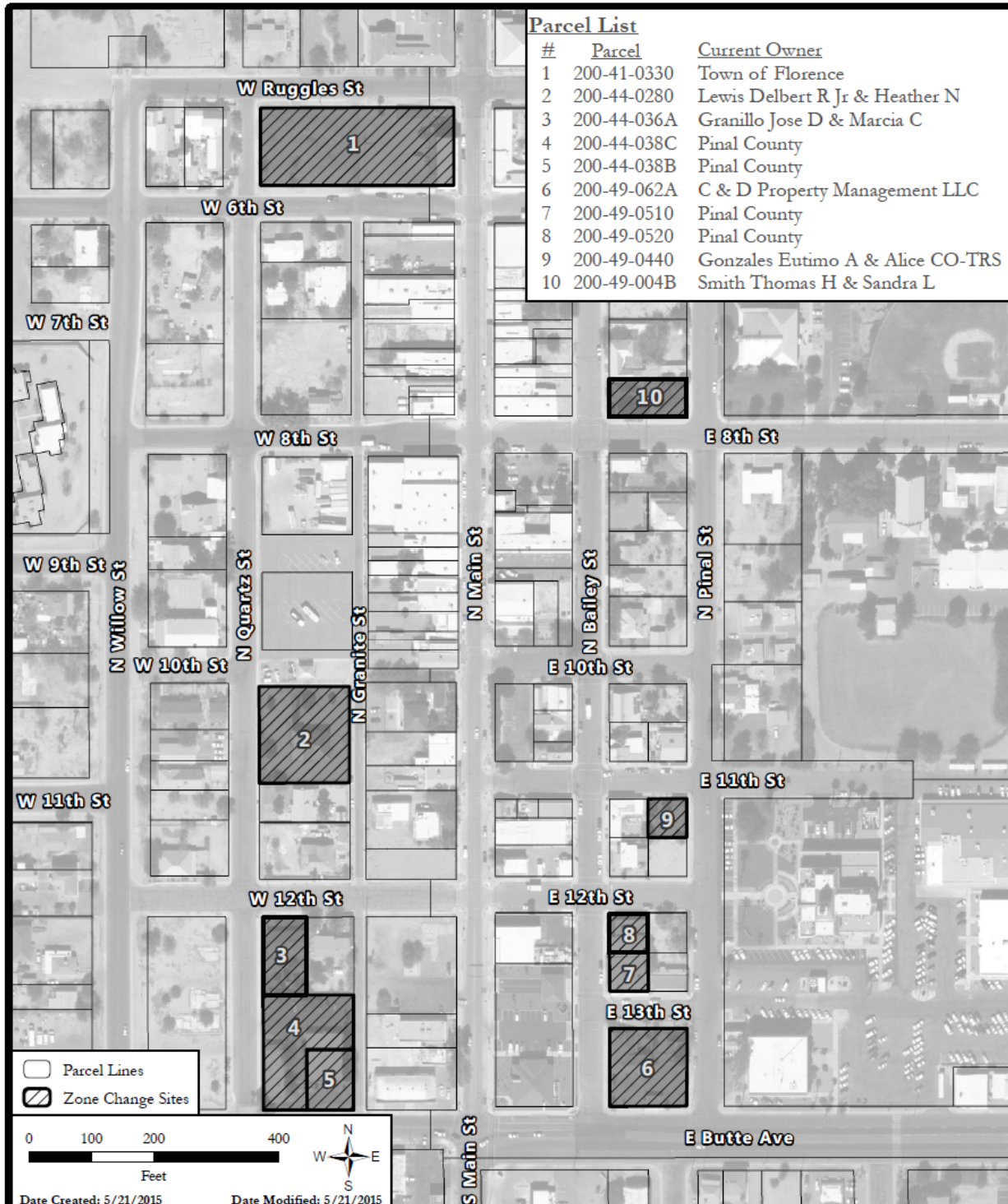
A range of uses are permitted in the DC Zoning District that are intended to encourage and promote its pedestrian, specialty retail and historic character. Residential uses are encouraged as part of mixed use developments, ideally by being vertically or horizontally integrated into commercial and office environments. The range of uses permitted in the DC Zoning District is intended to underscore the uniqueness of the area.

In 2013, the Mayor and Council approved multiple staff-initiated text changes to the DC Zoning District to improve reinvestment opportunities and enhance economic development in the District. These included: changes to allow hotels, bed and breakfast facilities, movie theaters and grocery stores as principally permitted uses in the DC zone; providing consistency in setback requirements for commercial and residential uses; and eliminating most on-site parking requirements in the District.

Through Town Council and staff efforts, the boundaries of the DC District are being increased per the goals of the 2020 General Plan and Redevelopment Plan and to generally mirror the core of the Downtown Historic Business District.

Staff has been working with property owners to expand the DC District and the Town is sponsoring this application that includes five private property owners, four Pinal County owned properties and one Town owned property. This is now our third zoning case that is adding properties to the District.

# VICINITY MAP



## **PUBLIC PARTICIPATION:**

Town Staff has complied with all applicable Town requirements and Arizona Revised Statutes regarding public participation. A notice for the Planning and Zoning Commission Public Hearing was mailed to all property owners within 300 feet of the site. Property posting for notice of public hearing for a zone change was posted on two sites within the subject area, per Town requirements, advertisements in the local Town paper have been posted, per Town requirements, under Arizona Revised Statutes, Title 9, Section-462.04. In addition, per Town of Florence Development Code, a public hearing is required for a zone change.

In addition, Town staff conducted a neighborhood meeting on June 10, 2015 at the Town Fire Department building and one individual, in favor of this case, was present. No written comments have been submitted on this case. All verbal comments have been supportive.

Staff has presented this zone change to the Historic District Advisory Commission as a presentation/discussion and they were supportive of this proposed rezoning.

## **HEARING SCHEDULE:**

The schedule for Planning and Zoning/Town Council meetings are as follows:

June 10, 2015	Neighborhood Meeting
June 18, 2015	Planning and Zoning (public hearing)
July 20, 2015	1 <sup>st</sup> Town Council (public hearing and 1 <sup>st</sup> reading)
August 3, 2015	2 <sup>nd</sup> Town Council (action)

All meetings, except the neighborhood meeting, will be held at Town Hall Council Chambers, 775 North Main Street. The neighborhood meeting was held at Town Fire Department building No. 1 on June 10, 2015.

## **FINDINGS:**

Planning staff offers the following findings for the consideration of the Planning and Zoning Commission and Town Council:

1. The proposed zoning is consistent with the Town of Florence 2020 General Plan.
2. The 2020 General Plan has the Downtown Mixed Use (DMU) designation on the site which supports the mix of land uses while respecting the value of the historic area.
3. The future development of the sites will be subject to all applicable Town codes.

4. The zone change to Downtown Commercial Zoning District (DC) will allow more pedestrian-oriented land uses and make the subject area more compatible with the Florence Historic District.

**FINANCIAL IMPACT:**

This zone change will have no immediate financial impact; however, future commercial and/or mixed use development of the subject area will have a positive impact on the Town.

**RECOMMENDATION:**

The Planning and Zoning Commission found that the Downtown Commercial (DC) Zone Change (PZ-15-37-ZC/PZC-37-14-ZC) was in compliance with the Town's 2020 General Plan and is in the interest of general welfare, health and safety of the public. The Planning and Zoning Commission has forwarded a unanimous favorable recommendation on this zone change to the Mayor and Town Council, subject to the following conditions:

1. The development of the subject site, as described in Exhibit A attached, shall be in conformance to any applicable Town Codes, Guidelines and Ordinances.
2. Property owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. §12-1134], pursuant to the waivers attached hereto as Exhibit B.
3. Any additional conditions deemed necessary by the Town Council.

**ATTACHMENTS:**

Ordinance No. 632-15  
Exhibit A  
Exhibit B  
Application Materials

**ORDINANCE NO. 632-15**

**AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE DOWNTOWN COMMERCIAL ZONE CHANGE LOCATED IN AN AREA GENERALLY BOUND BY RUGGLES STREET TO THE NORTH, BUTTE AVENUE TO THE SOUTH, QUARTZ STREET TO THE WEST AND PINAL STREET TO THE EAST (PZ-15-37-ZC/PZC-37-14-ZC).**

**WHEREAS**, a request to change the existing zoning on the subject property from Neighborhood Office (NO), Highway Business Commercial (B-2) and Multi-Family Residential (MFR) to Downtown Commercial (DC) has been proposed and a public hearing has been held by the Planning and Zoning Commission; and

**WHEREAS**, the Planning and Zoning Commission has found the zone change is in conformance with the 2020 Town's General Plan; and

**WHEREAS**, the Planning and Zoning Commission has forwarded the Mayor and Council of the Town of Florence, Arizona, a favorable recommendation for the zone change, subject to certain conditions; and

**WHEREAS**, said proposal has been considered by the Mayor and Council of the Town of Florence, Arizona, and the recommended zone change has been found to be appropriate and further found to promote the health, safety and welfare of the residents of the Town and its orderly growth.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Florence, Arizona, as follows:

The Zoning Map of Florence, Arizona, is hereby amended by changing the zoning classification of the parcel of land depicted on EXHIBIT A attached hereto, from Neighborhood Office (NO), Highway Business Commercial (B-2) and Multi-Family Residential (MFR) to Downtown Commercial (DC), subject to the following conditions:

1. The development of the subject site, as described in Exhibit A attached, shall be in conformance to any applicable Town Codes and ordinances.
2. Property owners agree to waive claims for diminution in value pursuant to Proposition 207 [A.R.S. §12-1134], pursuant to the waivers attached hereto as Exhibit B.



**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence, Arizona, this 3<sup>rd</sup> day of August 2015.

---

Tom J. Rankin, Mayor

**ATTEST:**

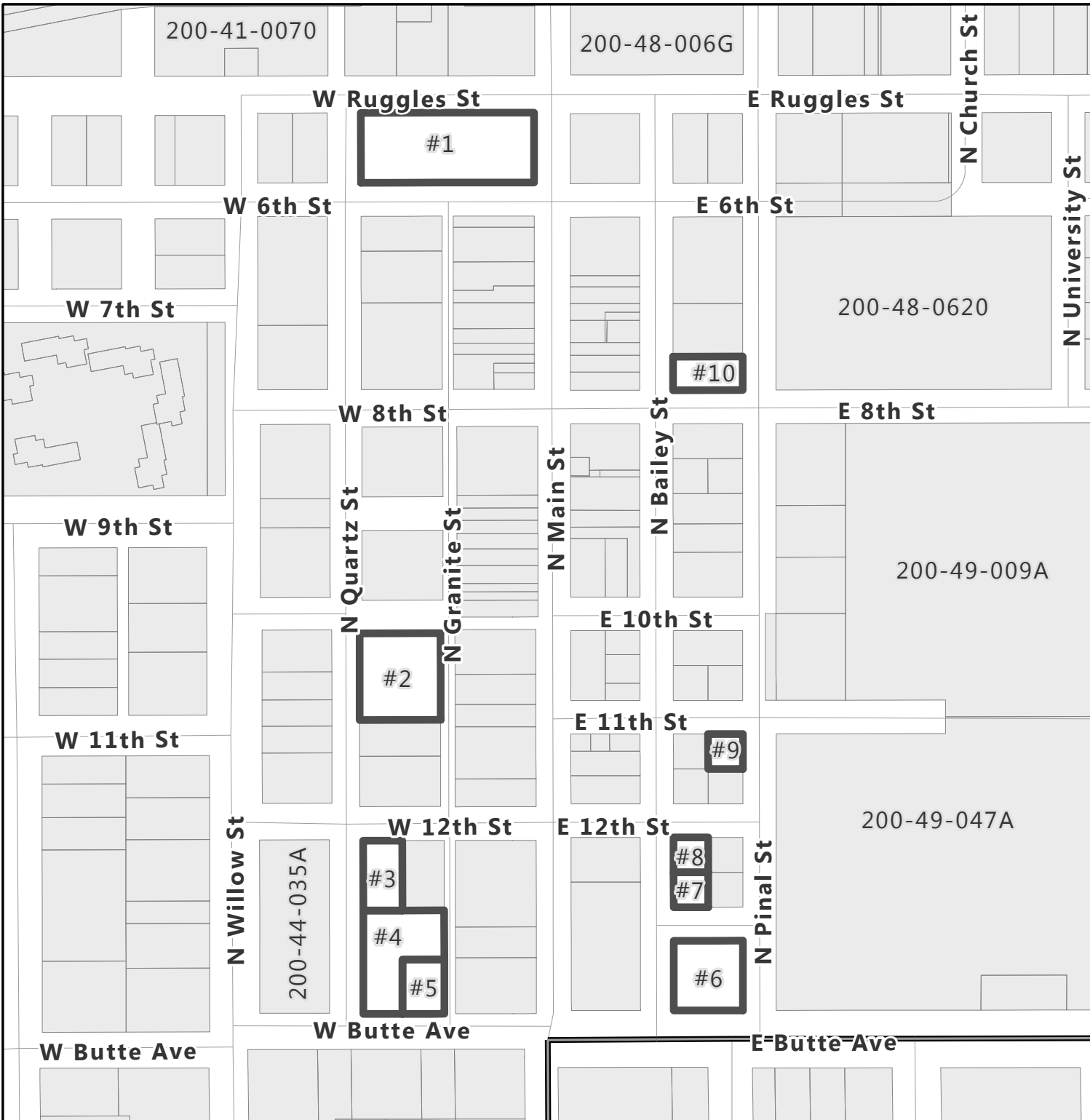
**APPROVED AS TO FORM:**

---

Lisa Garcia, Town Clerk

---

Clifford L. Mattice, Town Attorney



# Exhibit A:

## DC Zone Change (PZ-15-37 ZC/ PZC-37-14-ZC)

- Site Location
- Parcel Lines
- Town Limits



Parcel Key	
#	Parcel
1	200-41-0330
2	200-44-0280
3	200-44-036A
4	200-44-038C
5	200-44-038B
6	200-49-062A
7	200-49-0510
8	200-49-0520
9	200-49-0440
10	200-49-004B

This map is created for reference purposes only and is to be used at your own risk. The Town of Florence makes no warranty as to the accuracy or completeness of the information contained in this map and assumes no liability for any errors or omissions contained therein, nor for any direct, indirect, or consequential damages which may be caused by its use. It is the user's responsibility to verify all information contained herein.

EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land described in Exhibit A hereto that is the subject of a Zone Change Application PZC-37-14-ZC. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zone Change Application PZC-37-14-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zone Change Application PZC-37-14-ZC. Except as expressly set forth in the Zone Change Application PZC-37-14-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

300-49-004B  
Parcel(s)

Physical or Mailing Address

Sandra Smith  
Owner(s) Signature

SANDRA Smith  
Print or Type Name

STATE OF ARIZONA )  
County of Pinal ) ss

On this 8<sup>th</sup> day of June, 20 15, before me, the undersigned Notary Public, personally appeared Sandra Smith, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:

Meghan Hunt  
Notary Public



# OWNER'S PERMISSION FORM

This sheet must be completed if the applicant for an Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat, is **not** the owner of the property.

I/we, the Undersigned, do hereby grant permission to: The Town of Florence

to act on my/our behalf for the purpose of obtaining one or more of the following: Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat on the following described property: **APN NUMBER/S**

Owner(s)

Sandra Smith

Signature

Sandra Smith

Print or Type Name

Address

4415 S. PRIMROSE DR  
OLD CANYON, AZ 85118

Telephone

480-538-9747

STATE OF ARIZONA )

County of Pinal )

ss



On this 8th day of June, 20 15, before me, the undersigned Notary Public, personally appeared Sandra Smith, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that Sandra Smith executed the same.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:

January 5 2019

Meghan Hunt

Notary Public

EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land described in Exhibit A hereto that is the subject of a Zone Change Application PZC-37-14-ZC. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zone Change Application PZC-37-14-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zone Change Application PZC-37-14-ZC. Except as expressly set forth in the Zone Change Application PZC-37-14-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

APN 200-44-036A

Parcel(s)

95 W. 12<sup>th</sup> Street

Physical or Mailing Address

Maria C. Granitto

Owner(s) Signature

MARIA C. GRANITTO

Print or Type Name

STATE OF ARIZONA )

County of )

Pinal

ss

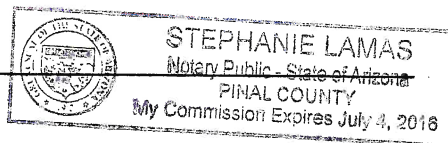
On this 5 day of February, 20 15, before me, the undersigned Notary Public, personally appeared Maria Granitto, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires: 7-4-16

Notary Public

Stephanie Lamas



# OWNER'S PERMISSION FORM

This sheet must be completed if the applicant for an Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat, is **not** the owner of the property.

I/we, the Undersigned, do hereby grant permission to: The Town of Florence

to act on my/our behalf for the purpose of obtaining one or more of the following: Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat on the following described property: **APN NUMBER/S**

200-44-036A

Owner(s)

Maria C. Granillo

Signature

MARIA C GRANIKO

Print or Type Name

Address

95 W. 12th St.  
Florence Az 85132

Telephone

520-510-7590

STATE OF ARIZONA )

County of Pinal )

ss

On this 5 day of February, 20 15, before me, the undersigned Notary Public, personally appeared Maria Granillo, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that Maria Granillo executed the same.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:

7-4-16

Stephanie Lamas

Notary Public

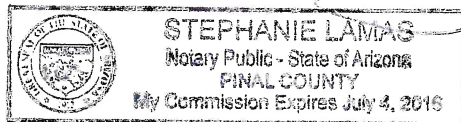


EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land described in Exhibit A hereto that is the subject of a Zone Change Application PZC-37-14-ZC. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zone Change Application PZC-37-14-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zone Change Application PZC-37-14-ZC. Except as expressly set forth in the Zone Change Application PZC-37-14-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

200-44-02802  
Parcel(s)

180 N Granite St, Florence, AZ 85132  
Physical or Mailing Address

Delbert R. & Heather Lewis  
Owner(s) Signature

Delbert R & Heather Lewis  
Print or Type Name

STATE OF ARIZONA )  
County of Maricopa ) ss

On this 29th day of December, 20 14, before me, the undersigned Notary Public, personally appeared Delbert & Heather Lewis known to me to be the person(s) whose name(s) is/are subscribed to the within instrument.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires?

Heather Babio 3/26/17  
Notary Public



# OWNER'S PERMISSION FORM

This sheet must be completed if the applicant for an Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat, is not the owner of the property.

I/we, the Undersigned, do hereby grant permission to: The Town of Florence

to act on my/our behalf for the purpose of obtaining one or more of the following: Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat on the following described property: **APN NUMBER/S**

Owner(s)

Delbert R. & Heather Lewis

Signature

Delbert R & Heather Lewis

Print or Type Name

Address

10 E Oakwood Hills Dr.  
Chandler, AZ 85248

Telephone

602 499 6416

STATE OF ARIZONA )

County of Maricopa )

ss

On this 29<sup>th</sup> day of December, 20 14, before me, the undersigned Notary Public, personally appeared Delbert & Heather Lewis, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that \_\_\_\_\_ executed the same.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:

3/26/17

Heather Babino  
Notary Public





EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land described in Exhibit A hereto that is the subject of a Zone Change Application PZC-37-14-ZC. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zone Change Application PZC-37-14-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zone Change Application PZC-37-14-ZC. Except as expressly set forth in the Zone Change Application PZC-37-14-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

200-49-062 A  
Parcel(s)

253 E Tremaine Dr Chandler AZ 85225  
Physical or Mailing Address

Cynthia L. Williamson  
Owner(s) Signature

Cynthia L. Williamson  
Print or Type Name

STATE OF ARIZONA )  
County of Maricopa ) ss

On this 18<sup>th</sup> day of February, 20 15, before me, the undersigned Notary Public, personally appeared Cynthia L. Williamson, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires: February 15, 2018

[Signature]  
Notary Public



# OWNER'S PERMISSION FORM

This sheet must be completed if the applicant for an Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat, is not the owner of the property.

I/we, the Undersigned, do hereby grant permission to: The Town of Florence

to act on my/our behalf for the purpose of obtaining one or more of the following: Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat on the following described property: APN NUMBER/S

Owner(s)

Cynthia L. Williamson  
Signature

Cynthia L. Williamson  
Print or Type Name

Address

253 E. Tremaine Dr  
Chandler AZ 85225

Telephone

480-926-7310

STATE OF ARIZONA )  
County of Maricopa )

ss

On this 19<sup>th</sup> day of February, 20 15, before me, the undersigned Notary Public, personally appeared Cynthia L. Williamson, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that \_\_\_\_\_ executed the same.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires: July 11, 2015

\_\_\_\_\_  
Notary Public

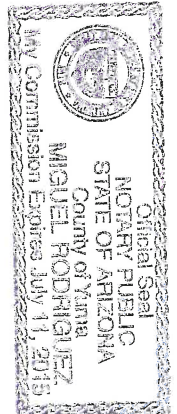


EXHIBIT B

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is/are the owner(s) of the subject land described in Exhibit A hereto that is the subject of a Zone Change Application PZC-37-14-ZC. By signing this document, the undersigned agrees and consents to all the conditions imposed by the Florence Town Council in conjunction with the approval of the Zone Change Application PZC-37-14-ZC ("Conditions of Approval") and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the Zone Change Application PZC-37-14-ZC. Except as expressly set forth in the Zone Change Application PZC-37-14-ZC and its Conditions of Approval, nothing herein shall constitute a waiver of any other of the undersigned's rights pursuant to the above-referenced statutes.

Parcel(s)

146 Firecroft st - West Covina, Calif. 91791  
Physical or Mailing Address

Eutimo A Gonzalez Alice Gonzales  
Owner(s) Signature

Eutimo A Gonzalez Alice Gonzales  
Print or Type Name

STATE OF ARIZONA )  
County of \_\_\_\_\_ ) ss

See Attached  
California All-Purpose  
Acknowledgement Form

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:

\_\_\_\_\_  
Notary Public

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**  
**CIVIL CODE § 1189**

State of California

County of LOS ANGELES }

On 12/17/14 before me, Sean Michael Lawrence, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Eutimio Gonzales and Alice Gonzales  
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that ~~he/she/it~~ they executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: Sean Michael Lawrence  
Signature of Notary Public

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Consent to Conditions Document Date: 12/17/14

Number of Pages: 1 Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Eutimio Gonzales  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer's Name: Alice Gonzales  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

# OWNER'S PERMISSION FORM

This sheet must be completed if the applicant for an Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat, is not the owner of the property.

I/we, the Undersigned, do hereby grant permission to: The Town of Florence

to act on my/our behalf for the purpose of obtaining one or more of the following: Annexation, General Plan Amendment, Planned Unit Development, Zone Change, Conditional Use Permit, Design Review and/or Preliminary/Final Plat on the following described property: **APN NUMBER/S**

Owner(s)

Eutimio A. Gonzalez

Signature

Alice Gonzalez  
Alice Gonzalez

Eutimio A Gonzalez

Print or Type Name

Address

146 Firecrest st  
West Covina, Calif. 91791

Telephone

1-626 858-9156

STATE OF ARIZONA )

County of \_\_\_\_\_ )

ss

See Attached  
California All-Purpose  
Acknowledgement Form

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, known to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that \_\_\_\_\_ executed the same.

IN WITNESS WHEREOF, I hereto set my hand and official seal.

My commission expires:

\_\_\_\_\_  
Notary Public

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**  
**CIVIL CODE § 1189**

State of California

County of LOS ANGELES

On 12/17/14 before me, Sean Michael Lawrence, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Eutimio Gonzales and Alice Gonzales  
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Signature]  
Signature of Notary Public

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Owner's Permission Form Document Date: 12/17/14

Number of Pages: 1 Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Eutimio Gonzales  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer's Name: Alice Gonzales  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

**Gilbert Olgin**

---

**From:** Steve Abraham <Steve.Abraham@pinalcountyaz.gov>  
**Sent:** Wednesday, March 04, 2015 10:59 AM  
**To:** Gilbert Olgin  
**Cc:** Heath Reed; Himanshu Patel  
**Subject:** RE: DC Zone Change

Gilbert:  
thanks for being patient:

After a detailed review of the proposed zoning category, we can support the imitated zoning change on the following parcels:

- Pinal County Free Library(APN 200-44-038B-Northeast corner of Butte Avenue and Quartz Street);
- Pinal county Free library /Address is 94 West Butte Ave., Florence, Arizona 85132 (APN 200-44-038C- Northeast corner of Butte Avenue and Quartz Street);

We have determined that existing library uses will not be impacted by the proposed change as they are zoning exempt governmental uses.

**Steve Abraham, AICP, MPA**  
**Planning Manager**  
**Pinal County: "Wide Open Opportunity"**  
**31 N. Pinal St. Florence AZ 85132**  
**v: 520-866-6045**  
**f: 520-866-6490**

**From:** Gilbert Olgin [<mailto:Gilbert.Olgin@florenceaz.gov>]  
**Sent:** Monday, March 02, 2015 12:30 PM  
**To:** Steve Abraham  
**Cc:** Heath Reed  
**Subject:** DC Zone Change

Steve-

As you are already aware, the Town is starting the process to rezone some properties within the Core of Florence, there are two more properties owned by the Pinal County. I would appreciate your assistance with the Pinal county's support to rezone them as well. The subject properties are as follows:

- Pinal County Free Library(APN 200-44-038B-Northeast corner of Butte Avenue and Quartz Street);
- Pinal county Free library /Address is 94 West Butte Ave., Florence, Arizona 85132 (APN 200-44-038C- Northeast corner of Butte Avenue and Quartz Street); and
- Pinal county buildings 75 North Bailey Street ( APN 200-49-050 and 200-49-0510/I already have your support to rezone).

If you wished to support this DC Zone Change on the two additional properties, please respond to this e-mail. I will log the e-mail in the file.

Thank again for your help.

Gilbert Olgin  
Senior Planner  
Town of Florence  
224 West 20<sup>th</sup> Street  
Florence, Arizona 85132  
(O) 520-868-7542  
(E-Mail) [Gilbert.Olgin@Florenceaz.gov](mailto:Gilbert.Olgin@Florenceaz.gov)  
Office hours – Monday – Friday from 8 am to 5 pm

Please note our new address effective January 20, 2015: 224 W. 20th Street in downtown Florence. The office is located at the northeast corner of 20th Street and Central Avenue.

---

Pursuant to A.R.S. 39-121, this email and any attachments may be considered a public record subject to public inspection. Please be advised that the public, including news media, may request access to email sent and received pursuant to the Arizona Public Records law and the Freedom of Information Act.

CONFIDENTIAL AND PRIVILEGED  
This transmission (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521. The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

- Email scanned by Sophos Anti-Virus  
- Website: <http://www.florenceaz.gov>

Disclaimer # 6955-149

## Gilbert Olgin

---

**From:** Steve Abraham <Steve.Abraham@pinalcountyaz.gov>  
**Sent:** Monday, November 17, 2014 9:57 AM  
**To:** Mark Eckhoff; Gilbert Olgin  
**Subject:** proposed zone change from NOP to DC.

gilbert:

we received your letter regarding the town initiated rezone of county owned parcels 20049051 & 052. Pinal County planning and development has reviewed the proposal and finds the rezone in line with existing and future plans for the property.

thanks for sending us a copy of the proposal.

regards,

**Steve Abraham, AICP, MPA**  
**Planning Manager**  
**Pinal County: "Wide Open Opportunity"**  
**31 N. Pinal St. Florence AZ 85132**  
**v: 520-866-6045**  
**f: 520-866-6490**

---

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**CONFIDENTIAL AND PRIVILEGED**

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Disclaimer # 6955-149



# APPLICATION FOR REZONING

PROJECT NAME: DC ZONE CHANGE

APPLICATION TYPE:  Rezoning  PUD  PUD Amendment

1. Property Owner: Name: See attached Exhibit A  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

2. Applicant/Developer: Name: Town of Florence  
Address: 224 West 20<sup>th</sup> Street  
Phone: 520-868-7542 Fax: \_\_\_\_\_  
Email: Gilbert.Olgin@Florenceaz.gov

3. Address or Location of Property: An area bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east.

4. Legal Description of Property: If applicable, include Lot(s), Block(s), and Subdivision Name: N/A

Parcel Numbers	Property Owner/s	Current Zoning
----------------	------------------	----------------

1. 200-41-0330	Town of Florence	Multi-Family Residential
2. 200-44-0280	Delbert Jr./Heather Lewis	Multi-Family Residential
3. 200-44-036A	Jose & Marcia Granillo	Multi-Family Residential
4. 200-44-038C	Pinal County	Multi-Family Residential
5. 200-44-038B	Pinal County	Multi-Family Residential
6. 200-49-062A	C&D Property Mgt.	Neighborhood Office
7. 200-49-0520	Pinal County	Neighborhood Office
8. 200-49-0520	Pinal County	Neighborhood Office
9. 200-49-0440	Eutimio Gonzales	Neighborhood Office
10. 200-49-004B	Thomas/Sandi Smith	Highway Business Commercial

5. Current Zoning District: Neighborhood Office (NO), Highway Business Commercial (B-2) and Multi-Family Residential (MFR)

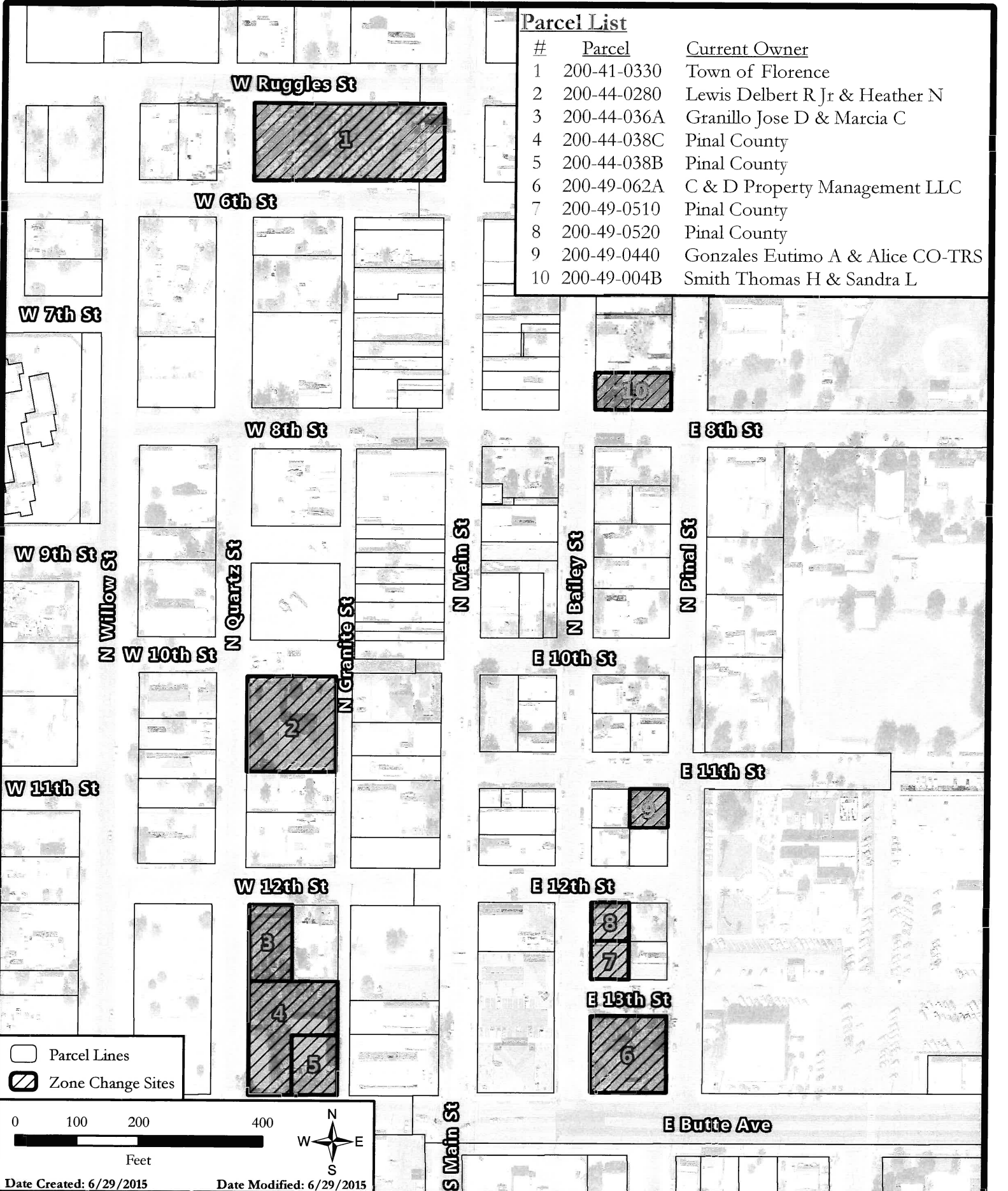
6. Proposed Zoning District: Downtown Commercial (DC)

  
SIGNATURE OF PROPERTY OWNER or REPRESENTATIVE

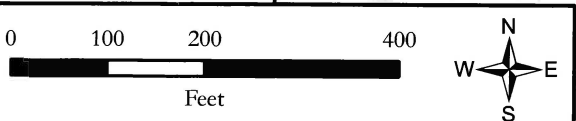
6/11/15  
DATE

**Parcel List**

#	Parcel	Current Owner
1	200-41-0330	Town of Florence
2	200-44-0280	Lewis Delbert R Jr & Heather N
3	200-44-036A	Granillo Jose D & Marcia C
4	200-44-038C	Pinal County
5	200-44-038B	Pinal County
6	200-49-062A	C & D Property Management LLC
7	200-49-0510	Pinal County
8	200-49-0520	Pinal County
9	200-49-0440	Gonzales Eutimo A & Alice CO-TRS
10	200-49-004B	Smith Thomas H & Sandra L



- Parcel Lines
- Zone Change Sites



Date Created: 6/29/2015      Date Modified: 6/29/2015

This map is created for reference purposes only and is to be used at your own risk. The Town of Florence makes no warranty as to the accuracy or completeness of the information contained in this map and assumes no liability for any errors or omissions contained therein, nor for any direct, indirect, or consequential damages which may be caused by its use. It is the user's responsibility to verify all information contained herein. 2015-74

# Application Submittal DC Zone Change



Town of Florence

## **NOTICE OF PUBLIC HEARINGS FLORENCE TOWN COUNCIL**

Notice is hereby given that the Town Council of Florence, Arizona will hold Public Hearings on Monday, July 20, 2015 at 6:00 PM at Florence Town Hall located at 775 N. Main Street, Florence, Arizona, 85132 to discuss the following applications:

1. **PZ-15-30 ZC Public Hearing.** A zone change request by Piero Buccellato to change the zoning on approximately .36 acres, located at 680 East 1<sup>st</sup> Street, Florence, Arizona from Neighborhood Multi-Family Zoning District (R-2) to Highway Business Commercial Zoning District (B-2). (APN 200-47-001B). A detailed description of the proposed Zone Change request is available for viewing at the Town of Florence Community Development Department.
  
2. **PZ-15-37 ZC/PZC-37-14-ZC. Public Hearing.** A Zone Change request by the Town of Florence to change existing zoning from Neighborhood Office (NO), Highway Business Commercial (B-2) and Multiple Family Residential (MFR) to Downtown Commercial (DC) in an area bounded by Ruggles Street to the north, Butte Avenue to the south, Quartz Street to the west and Pinal Street to the east. A detailed description of the proposed Zone Change request is available for viewing at the Town of Florence Community Development Department.

Additional information on the above cases can be obtained Monday thru Friday from 8 AM to 5 PM at the Town of Florence Community Development Department located at 224 West 20th Street, Florence, Arizona 85132 or please call (520) 868-7542.

Pursuant to Title II of the Americans with Disabilities Act (ADA), the Town of Florence does not discriminate on the basis of disability regarding admission to public meetings. Persons with a disability may request reasonable accommodations by contacting the Town of Florence ADA Coordinator at (520) 868-7574 or (520) 868-7502 TDD. Requests should be made as early as possible to allow time to arrange the accommodation.

No. of publications: One; date of publication: June 25, 2015.



## TOWN OF FLORENCE COUNCIL ACTION FORM

### AGENDA ITEM 8a.

**MEETING DATE:** July 20, 2015

**DEPARTMENT:** Community Development

**STAFF PRESENTER:** Mark Eckhoff, AICP,  
Community Development Director

**SUBJECT:** Resolution No. 1530-15: Map of Dedication for  
Main Street and First Street

- Action
- Information Only
- Public Hearing
- Resolution
- Ordinance
  - Regulatory
  - 1<sup>st</sup> Reading
  - 2<sup>nd</sup> Reading
- Other

### RECOMMENDED MOTION/ACTION:

Motion to adopt Resolution No. 1530-15: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE MAP OF DEDICATION FOR MAIN STREET AND FIRST STREET FOR INSTALLATION AND DEDICATION OF REQUIRED PUBLIC IMPROVEMENTS.

### BACKGROUND/DISCUSSION:

This Map of Dedication (MOD) dedicates the public rights-of-way for Main and First Streets adjacent to the Territory Square Phase One development site. The existing portion of Main Street, west of Town Hall, and the subject portion of First Street will convert from being driveways, to Town facilities, to being dedicated public roadways. An additional right-of-way is being dedicated along Main Street to widen Main Street and include parallel parking adjacent to the library frontage. Main Street is also extended north with this dedication to tie into the new Main Street extension.

For added perspective, this MOD also shows the location of utility easements and the new SCIP irrigation easement. Furthermore, the MOD shows the location of future roadway dedications as the Territory Square project continues to develop.

### FINANCIAL IMPACT:

The cost of preparing this MOD and the new roadway improvements are included under the Town's contract with Low Mountain Construction. The Town will own and maintain the subject roadways.

### RECOMMENDATION:

Motion to adopt Resolution No. 1530-15 for the Main Street and First Street Map of Dedication.

**ATTACHMENTS:**

Resolution No. 1530-15  
Main Street and First Street Map of Dedication

**RESOLUTION NO. 1530-15**

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE MAP OF DEDICATION FOR MAIN STREET AND FIRST STREET FOR INSTALLATION AND DEDICATION OF REQUIRED PUBLIC IMPROVEMENTS.**

**BE IT RESOLVED** by the Mayor and Council of the Town of Florence, Arizona, as follows:

Approve the Map of Dedication for Main Street and First Street, subject to owner's compliance with all applicable laws and ordinances.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence, Arizona, this 20<sup>th</sup> day of July 2015.

---

Tom J. Rankin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

---

Lisa Garcia, Town Clerk

---

Clifford L. Mattice, Town Attorney

# MAP OF DEDICATION MAIN STREET AND FIRST STREET

(TOWN OF FLORENCE, ARIZONA)

A PORTION OF SECTIONS 35 AND 36, TOWNSHIP 4 SOUTH, RANGE 9 EAST OF THE GILA AND SALT RIVER MERIDIAN, TOWN OF FLORENCE, PINAL COUNTY, ARIZONA.

## DEDICATION

STATE OF ARIZONA )  
COUNTY OF PINAL ) ss.

KNOW ALL MEN BY THESE PRESENTS:

TOWN OF FLORENCE AND YOLE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY AS OWNERS HAVE DEDICATED UNDER THE NAME OF MAIN STREET AND FIRST STREET LOCATED WITHIN THE EAST HALF OF SECTION 35 AND THE WEST HALF OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 9 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, TOWN OF FLORENCE, ARIZONA AND HEREBY DECLARE THIS MAP OF DEDICATION SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE STREETS AND EASEMENTS CONSTITUTING SAME, AND THAT SAID STREETS SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN EACH RESPECTIVELY.

STREET RIGHT-OF-WAY SHOWN ON THIS MAP OF DEDICATION IS DEDICATED TO THE PUBLIC FOR ROADWAY PURPOSES INCLUDING, BUT NOT LIMITED TO, ACCESS, DRAINAGE, TELECOMMUNICATIONS AND PUBLIC UTILITIES.

EASEMENTS ARE DEDICATED AS SHOWN ON THIS MAP OF DEDICATION.

PUBLIC UTILITY EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC UPON, OVER, UNDER, ACROSS AND THROUGHOUT THOSE AREAS DESIGNATED AS SUCH HEREON FOR THE INSTALLATION, MAINTENANCE, REPAIR AND REMOVAL OF UNDERGROUND UTILITIES, INCLUDING, BUT NOT LIMITED TO, WATER, SEWER, GAS ELECTRIC AND TELECOMMUNICATIONS. MAINTENANCE OF THE AREAS SUBJECT TO SUCH PUBLIC UTILITY EASEMENTS SHALL BE THE RESPONSIBILITY OF THE ABUTTING PROPERTY OWNER.

OWNERS WARRANT AND REPRESENT TO BE THE TOWN OF FLORENCE TO BE THE SOLE OWNER OF THE PROPERTY COVERED HEREBY AND THAT EVERY LENDER, EASEMENT HOLDER OR OTHER PERSON HAVING ANY INTEREST IN THE LAND ADVISE TO OR INCONSISTENT WITH THE DEDICATIONS, CONVEYANCES OR OTHER REAL PROPERTY INTERESTS CREATED OR TRANSFERRED BY THIS MAP OF DEDICATION HAVE CONSENTED TO OR JOINED IN THIS MAP OF DEDICATION AS EVIDENCED BY INSTRUMENTS WHICH ARE RECORDED WITH THE PINAL COUNTY RECORDER'S OFFICE OR WHICH OWNERS WILL RECORD NO LATER THAN THE DATE ON WHICH THIS MAP OF DEDICATION IS RECORDED.

IN WITNESS WHEREOF:

TOWN OF FLORENCE, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER(S).

TOWN OF FLORENCE

BY \_\_\_\_\_  
NAME

ITS \_\_\_\_\_  
TITLE

IN WITNESS WHEREOF:

YOLE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS HERETO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER(S).

YOLE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY \_\_\_\_\_  
NAME

ITS \_\_\_\_\_  
TITLE

## ACKNOWLEDGMENT

STATE OF ARIZONA )  
COUNTY OF PINAL ) ss.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_ WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE \_\_\_\_\_ OF TOWN OF FLORENCE, BEING DULY AUTHORIZED TO DO SO, EXECUTED THIS MAP OF DEDICATION FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

## ACKNOWLEDGMENT

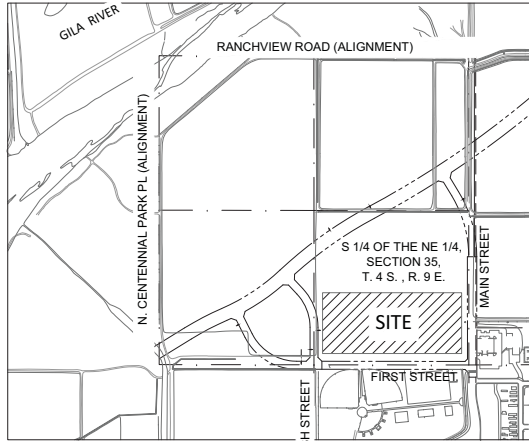
STATE OF ARIZONA )  
COUNTY OF PINAL ) ss.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_ WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE \_\_\_\_\_ OF YOLE, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, BEING DULY AUTHORIZED TO DO SO, EXECUTED THIS MAP OF DEDICATION FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_



LOCATION MAP  
NOT TO SCALE

## LEGAL DESCRIPTION

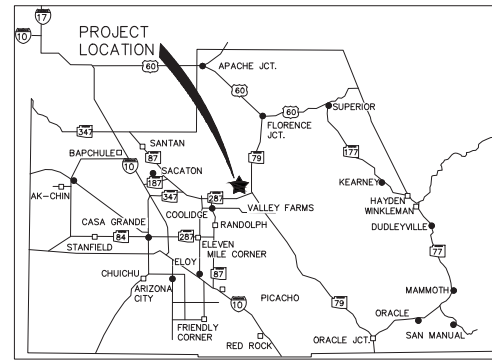
A PARCEL OF LAND LYING WITHIN SECTIONS 35 AND 36, TOWNSHIP 4 SOUTH, RANGE 9 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 35, A 3-INCH BRASS CAP FLUSH STAMPED LS 20358, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 35, A 3-INCH PINAL COUNTY HIGHWAY DEPARTMENT BRASS CAP FLUSH STAMPED 2001 409203, BEARS NORTH 00°02'23" WEST, A DISTANCE OF 2628.11 FEET;  
THENCE SOUTH 00°03'39" EAST, A DISTANCE OF 70.85 FEET, TO THE POINT OF BEGINNING;

THENCE NORTH 44°59'35" WEST, A DISTANCE OF 46.72 FEET;  
THENCE NORTH 89°55'31" WEST, A DISTANCE OF 1220.04 FEET;  
THENCE NORTH 00°04'29" EAST, A DISTANCE OF 68.00 FEET;  
THENCE SOUTH 89°55'31" EAST, A DISTANCE OF 1219.88 FEET;  
THENCE NORTH 45°00'25" EAST, A DISTANCE OF 29.86 FEET;  
THENCE NORTH 00°03'39" WEST, A DISTANCE OF 871.28 FEET;  
THENCE NORTH 89°56'21" EAST, A DISTANCE OF 80.00 FEET;  
THENCE SOUTH 00°03'39" EAST, A DISTANCE OF 1026.48 FEET;  
THENCE NORTH 89°55'31" WEST, A DISTANCE OF 68.00 FEET;  
THENCE NORTH 00°03'39" WEST, A DISTANCE OF 33.00 FEET, TO THE POINT OF BEGINNING.

## NOTES

- RIGHT-OF-WAY AREA DEDICATED HEREON IS 166,469 SQUARE FEET OR 3.8216 ACRES, MORE OR LESS.
- ALL NEW OR RELOCATED UTILITIES SHALL BE PLACED UNDERGROUND.
- THE MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT-OF-WAY TO BACK OF CURB SHALL BE THE RESPONSIBILITY OF THE ABUTTING PROPERTY OWNER.
- PUBLIC STREET IMPROVEMENTS AND UTILITY TRENCH WORK WITHIN PUBLIC UTILITY EASEMENTS REQUIRE PERMITS FROM AND INSPECTIONS BY TOWN OF FLORENCE AND/OR PINAL COUNTY.
- "FUTURE RIGHT-OF-WAY TO BE DEDICATED BY SEPARATE INSTRUMENT" LABELED HEREON IS BASED ON AN UNAPPROVED AND UNRECORDED MASTER ROADWAY PLAN. FUTURE RIGHT-OF-WAY DEDICATIONS WILL BE HANDLED BY SUBSEQUENT MAPS AND OR DOCUMENTS AS THE TOWN OF FLORENCE DEEMS THEM NECESSARY.



VICINITY MAP  
NOT TO SCALE

## OWNERS

TOWN OF FLORENCE  
775 N. MAIN STREET  
FLORENCE, ARIZONA 85132  
PHONE: (520) 868-7500

YOLE, LLC  
4343 E CAMELBACK ROAD #408  
PHOENIX, ARIZONA 85018

## BASIS OF BEARING

THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED ON THE NATIONAL GEODETIC SURVEY (NGS) WEBSITE "WWW.NGSD.NGA.MIL", ON FEBRUARY 20, 2013.

PROJECTION: ARIZONA CENTRAL ZONE, NAD 83, (EPOCH 2010)  
DATUM: GRS 80  
UNITS: INTERNATIONAL FEET  
GEOID MODEL: GEOID 2012A

CONTROL POINT: DADAMS  
PID: D10528  
LATITUDE: 33°01'02.31200" N  
LONGITUDE: 111°23'48.01459" W  
ELLIPSOID HEIGHT: 1086.307  
DESCRIPTION: TRIANGULATION DISK IN CONCRETE

MODIFIED TO GROUND AT (GRID) N: 741953.537, E: 864773.335, USING A SCALE FACTOR OF 1.0001265781.

HORIZONTAL ADJUSTMENT: N (+) 0.36 AND E (+) 0.31 TO MATCH CLIENT PROVIDED COORDINATE SYSTEM.

HORIZONTAL ROTATION: NONE

## APPROVALS

APPROVED BY THE COMMUNITY DEVELOPMENT DIRECTOR AND THE TOWN ENGINEER OF THE TOWN OF FLORENCE,

ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR  
TOWN OF FLORENCE, ARIZONA

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_

TOWN ENGINEER  
TOWN OF FLORENCE, ARIZONA

APPROVED BY THE COUNCIL OF THE TOWN OF FLORENCE, ARIZONA, THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2015.

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_

MAYOR

APPROVED BY: \_\_\_\_\_ DATE \_\_\_\_\_

TOWN CLERK

## CERTIFICATION

I, GABRIEL S. RIOS, OF WOOD, PATEL & ASSOCIATES, INC. HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA. THAT THIS MAP OR PLAN CONSISTING OF TWO (2) SHEETS REPRESENTS A SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREON WAS PERFORMED BY WOOD, PATEL & ASSOCIATES, INC. DURING THE MONTH OF AUGUST OF 2013; THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS SHOWN ACTUALLY EXIST AS SHOWN OR WILL BE SET AS SHOWN; THAT THE POSITIONS ARE CORRECTLY SHOWN AND THE SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

GABRIEL S. RIOS  
REGISTERED LAND SURVEYOR #48932  
WOOD, PATEL & ASSOCIATES, INC.  
2202 S. COUNTRY CLUB DRIVE, SUITE 101  
MESA, ARIZONA 85210

STATE OF ARIZONA )  
COUNTY OF PINAL ) ss.

I hereby certify that the within instrument is filed in the official records of this County as:  
Fee No.: \_\_\_\_\_  
Date: \_\_\_\_\_  
Request of Witness (if) hand and official seal  
Virginia Posa  
By: \_\_\_\_\_ Pinal County Recorder Deputy

COUNTY SEAL

**WOOD/PATEL**  
MISSION: CLIENT SERVICE™  
(480) 834-3300  
WWW.WOODPATEL.COM  
PHOENIX - MESA - TUCSON

MAIN STREET AND FIRST STREET

MAP OF DEDICATION  
A PORTION OF THE EAST 1/2 OF SECTION 35, TOWNSHIP 4 SOUTH, RANGE 9 EAST OF THE GILA AND SALT RIVER MERIDIAN, TOWN OF FLORENCE, PINAL COUNTY, ARIZONA

PRELIMINARY  
NOT  
FOR  
CONSTRUCTION  
OR RECORDING  
EXPIRES 12/31/17

CHECKED BY: SSTR/IG  
CAD TECHNICIAN: ISS  
SCALE: N.T.S.  
DATE: 08/30/15  
JOB NUMBER: 144231  
SHEET: 1 OF 2

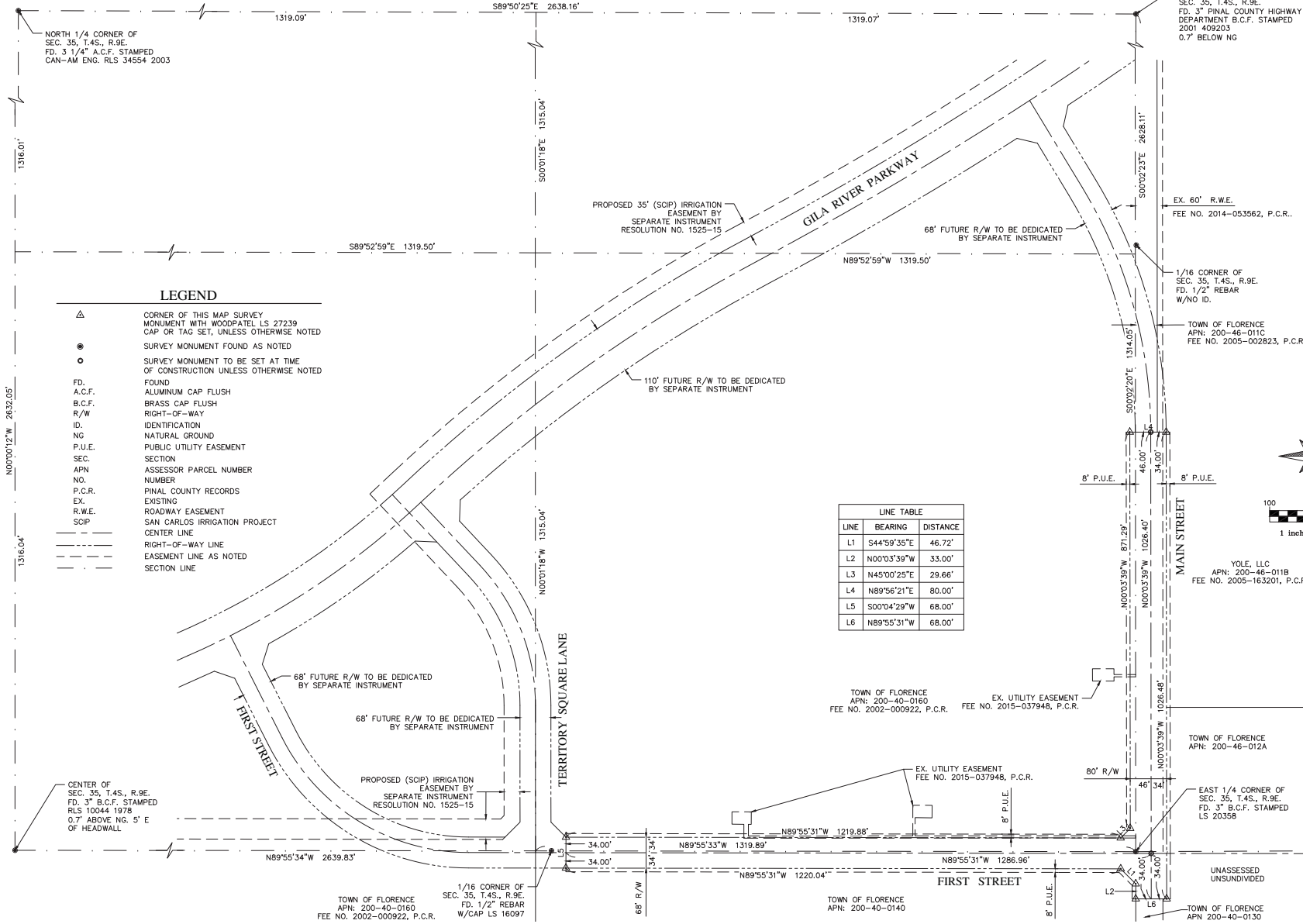
DATE PLOTTED: 08/30/15 10:58 AM

STATE OF ARIZONA }  
COUNTY OF PINAL } SS.  
I hereby certify that the within instrument is filed  
in the official records of this County as  
Fee No.: \_\_\_\_\_  
Date: \_\_\_\_\_  
Request of  
Witness my hand and official seal  
Virginia Posa  
Pin. County Recorder  
Deputy


**WOOD/PATEL**  
MISSION: CLIENT SERVICE™  
(480) 834-3300  
WWW.WOODPATEL.COM  
PHOENIX - MESA - TUCSON

**MAIN STREET AND FIRST STREET**  
MAP OF DEDICATION  
A PORTION OF THE EAST 1/4 OF SECTION 35, TOWNSHIP 4 SOUTH,  
RANGE 1 EAST OF THE GILA AND SAN RIVER MERIDIAN, TOWN OF FLORENCE, PINAL COUNTY, ARIZONA

PRELIMINARY  
NOT  
FOR  
CONSTRUCTION  
OR RECORDING  
EXPIRES 12/31/17  
CHECKED BY: SSTRTRG  
CAD TECHNICIAN: ISS  
SCALE: 1" = 100'  
DATE: 08/30/15  
JOB NUMBER: 144231  
SHEET: 2 OF 2





	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 8b.</b>
<b>MEETING DATE:</b> July 20, 2015  <b>DEPARTMENT:</b> Police Department  <b>STAFF PRESENTER:</b> Daniel Hughes, Police Chief  <b>SUBJECT:</b> Resolution No. 1531-15: to accept grant funds recommended for award by the Gila River Indian Community.		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input checked="" type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Regulatory</b> <input type="checkbox"/> <b>1<sup>st</sup> Reading</b> <input type="checkbox"/> <b>2<sup>nd</sup> Reading</b> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Motion to adopt Resolution No. 1531-15: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AUTHORIZING THE TOWN TO ACCEPT TRIBAL GAMING FUNDS FROM THE GILA RIVER INDIAN COMMUNITY.

**BACKGROUND/DISCUSSION:**

Staff has received notice from the Gila River Indian Community that it will recommend approval of an application submitted by the Police Department in the amount of \$66,014. The funds will be used to create an additional dispatch center at the Police Department. The Gila River Indian Community has asked the Town to provide a resolution acknowledging willingness to accept the funds.

**FINANCIAL IMPACT:**

The Gila River Indian Community is recommending an award of \$66,014. There is no match required.

**STAFF RECOMMENDATION:**

Staff recommends that Council adopt Resolution No. 1531-15 to accept the funds from the Gila River Indian Community.

**ATTACHMENTS:**

Resolution No. 1531-15  
GRIC Grant Application

**RESOLUTION NO. 1531-15**

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ACCEPTING TRIBAL GAMING FUNDS GRANTED BY THE GILA RIVER INDIAN COMMUNITY.**

**WHEREAS**, the Gila River Indian Community has reviewed applications for the distribution of gaming revenues through their State Shared Revenue Program; and

**WHEREAS**, the application submitted by the Town of Florence to add a dispatch center to the Police Department has been recommended for funding by the Gila River Indian Community; and

**WHEREAS**, the Town of Florence Police Department is dedicated to promoting public safety for its citizens and local businesses.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Town of Florence, Arizona, that funds will be accepted from the Gila River Indian Community for Shared Revenue Funds in the amount of \$66,014.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence, Arizona, this 20<sup>th</sup> day of July 2015.

\_\_\_\_\_  
Tom Rankin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lisa Garcia, Town Clerk

\_\_\_\_\_  
Clifford L. Mattice, Town Attorney

I, the undersigned, being the duly appointed and qualified Town Clerk of the Town of Florence, certify that the foregoing Resolution No. 1531-15 is a true, correct and accurate copy as passed and adopted at a regular meeting of the Florence Town Council, held on the 20<sup>th</sup> day of July 2015, at which a quorum was present and voted in favor of said Resolution No. 1531-15.

\_\_\_\_\_  
Lisa Garcia, Town Clerk



## Gila River Indian Community Grant Application

### Cover Sheet

Municipality Information	
<b>Date of Application:</b> 3/31/2015	
<b>Name of City, Town or County:</b> Town of Florence	
<b>Mayor (City or Town) or Board of Supervisor's Chairman (County):</b> Tom J. Rankin, Mayor	
<b>Mailing Address:</b> P.O. Box 2670	
<b>City:</b> Florence	<b>State:</b> Arizona <b>Zip Code:</b> 85132
<b>Acknowledgement of Submission by Municipality Representative:</b>	
<b>Typed Name:</b> Charles Montoya	<b>Signature:</b>
Applicant Information	
<b>Department/Organization Name:</b> Town of Florence Police Department	
<b>Application Contact Person:</b> Ernest Feliz	<b>Title:</b> Grants Manager
<b>Phone Number:</b> 520-868-8300	
<b>Mailing Address:</b> P.O. Box 2670	
<b>City:</b> Florence	<b>State:</b> Arizona <b>Zip Code:</b> 85132
<b>Email Address:</b> ernie.feliz@florenceaz.gov	
Project Information	
<b>Project Name:</b> Third Dispatch Console	
<b>Purpose of Grant:</b> The Florence Police Department seeks tribal gaming funds to purchase a third dispatch console which is needed because of the addition of dispatching for the Superior Fire Department.	
<b>Priority Funding Area</b>	Public Safety
<b>Annual amount requested</b>	\$66,014.00
<b>Number of years that funding is requested (1-5)</b>	1
<b>Total amount requested (annual amount x # of years)</b>	\$66,014.00
<b>Has your organization received funding from Gila River Indian Community in the Past? If yes, please list each year and amount</b>	Yes. The Florence Police Fire Department received \$126,000 in 2011. The Town of Florence received two awards in 2007 totaling \$15,829 and one award in 2012 in the amount of \$63,802.
<b>Geographic area served</b>	Town of Florence incorporated limits

For Office Use Only:		
Data Entry	Receipt	Evaluation

## GRANT NARRATIVE

1. Briefly describe the organization's mission, history and goals.

The mission of the Florence Police Department is to stand firm in our pursuit for justice and public trust. We will stay true to our mission of providing service and safety to our community with honor, respect, and integrity. We are committed to providing fair and equal treatment to those we encounter.

The Florence Police Department has historically served the State of Arizona for 149 years. Our objective is to continue to apply our Community Oriented Policing strategies making the most of our resources and utilizing the latest technology to deliver the best service possible.

Our goal is and will always be to make Florence one of the safest communities in America. All of the members of the Police Department take their responsibility to provide our community with professional, innovative and efficient police services seriously.

2. Describe the goals and activities of the proposed project.

The Town of Florence proposes to purchase the computers and associated equipment needed to have a third 911 terminal in the dispatch center. The Town of Florence Communication Center dispatches Police, Fire and EMS calls; along with dispatching for Superior Fire Department. Our dispatch center handled 29,214 calls in 2014, and 2,233 calls that came in via our 911 line. The addition of this terminal will give the dispatch center the ability to have a call taker that will handle the initial calls then forward it to the appropriate dispatcher so the call can be handled on the proper channel. Currently our dispatchers are taking the calls and trying to dispatch the proper personnel simultaneously. The State of Arizona's 911 Program Management looked at the statistics three years ago and agreed that the equipment was needed and warranted but the funds were not available for the project. This project remains on hold due to the lack of funding. The call volume has continued to increase during the past three years. With the possibility of annexation of Magic Ranch and Wild Horse Estates, we anticipate an even greater increase of calls. Therefore, the Florence Police Department and the residents of the Town of Florence will benefit greatly if this project is funded.

3. Describe how the proposed project satisfies one or more of the priority funding areas identified by the Gila River Indian Community.

This proposed project satisfies the area of "Public Safety" that is a priority funding area identified by the Gila River Community.

4. Identify the needs/problems to be addressed, target population and number of people to be served by the project.

The needs/problems to be addressed is the Town of Florence has immediate need to purchase this equipment to ensure that all 911 calls are answered and forwarded to the proper units as expeditiously as possible. With the current system if both dispatchers are on 911 calls, radio channel information can be missed and subsequent calls could be delayed.

A third 911 position would allow for a dedicated call taker to assist and answering 911 calls. This would relieve the other dispatchers from answering these types of calls so they can focus their attention on radio transmissions. This would improve Fire Fighter and Police safety by allowing each call taker/dispatcher to focus on the task at hand.

The population to be served would include the 25,536 residents of the Town of Florence according to US Census 2010. This would also include future residents in the Magic Ranch and Wild Horse Estates annexation. Three major transportation corridors run through Florence, which include Highway 287, Highway 79 and Hunt Highway. The Town of Florence has 120 linear miles of roadway. These roadways provide connectivity to the region that is unrivaled by similar sized communities within the state. There are a number of major employers in Florence, which include Pinal County, Town of Florence, Florence Unified School District, Safeway, and nine correctional operations. Florence has approximately 7000 jobs and the majority commutes into Florence on the three major transportation corridors. All of these people commuting into the Town of Florence will ultimately be served by the Florence Police Department.

5. Define the project as a new or continuing program.

This proposed project will be considered new as defined by GRIC grant guidelines.

6. Provide a brief timeline including start and finish dates. Indicate if the time line is flexible.

Timeline: Receive funds October 1, 2015- Bid is placed for equipment; Equipment is purchased by December 1, 2015. Installation is finished by December 31, 2015. Equipment is put into service January 1, 2016- Project is finished.

7. Identify other organizations, partners or funders participating in the project and their roles.

Florence Police Department has an IGA in place to provide dispatching services for Superior Fire Department. It is our goal to continue to regionalize our Communication Center.

8. Would you be able to implement the proposed plan if your organization received partial funding for this project?

Our agency would not be able to implement this proposed plan due to budget constraints that the Town has faced due to "Home Rule" not passing in this last election. We are now facing budget cuts that will make it challenging for us to purchase equipment to provide a third terminal.

9. Describe your plan for project sustainability beyond the grant period.

The Florence PD would inquire into extended warranties to ensure that the equipment purchased will be covered for all future repairs and maintenance. This would provide for future project sustainability.

10. Describe your plan to document progress and results.

The Florence Police Department Communications Center will continue to gather statistical data that is used in monthly and annual reports for dissemination to Town Council and all stakeholders.

11. Indicate any application to and/or awards made by a tribe other than the Gila River Indian Community for state shared revenues for this and any other project.

- 2014 application for Dispatch console not awarded (Tohono O'odham)
- 2011 \$126,000 for 4 police cars and one Fire Department Pick-up (\$26,100.00) (TO)
- 2010 \$65,000 Police and Fire Radios (TO)
- 2009 \$30,000 Police Motorcycle (TO)
- 2005 \$87,700 Fire Rescue Pickup (TO)




## *Gila River Indian Community Grant Application*

### Project Budget

Budget Period: October 1, 2015- January 1, 2016

Proposed Budget Expense (list each budget item)	Amount requested from GRIC	Amount requested or secured from other funders	In Kind contributions	Total Budget
1. Materials	\$30,814.59	\$0	\$0	\$30,814.59
2. Implementation	\$32,319.84	\$0	\$0	\$32,319.84
3. Support Services	\$2,373.11	\$0	\$0	\$2,373.11
4. Shipping and Handling	\$506.46	\$0	\$0	\$506.46
5. Click here to enter text.	\$0	\$0	\$0	\$0
6. Click here to enter text.	\$0	\$0	\$0	\$0
7. Click here to enter text.	\$0	\$0	\$0	\$0
8. Click here to enter text.	\$0	\$0	\$0	\$0
9. Click here to enter text.	\$0	\$0	\$0	\$0
10. Click here to enter text.	\$0	\$0	\$0	\$0
11. Click here to enter text.	\$0	\$0	\$0	\$0
12. Click here to enter text.	\$0	\$0	\$0	\$0
13. Click here to enter text.	\$0	\$0	\$0	\$0
14. Click here to enter text.	\$0	\$0	\$0	\$0
15. Click here to enter text.	\$0	\$0	\$0	\$0
16. Click here to enter text.	\$0	\$0	\$0	\$0
17. Click here to enter text.	\$0	\$0	\$0	\$0
<b>Total Budget</b>	<b>\$66,014.00</b>	<b>\$0</b>	<b>\$0</b>	<b>\$66,014.00</b>

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>8c.</b>
<b>MEETING DATE:</b> July 20, 2015  <b>DEPARTMENT:</b> Finance  <b>STAFF PRESENTER:</b> Lisa Garcia, Interim Town Manager  <b>SUBJECT:</b> Resolution No. 1532-15: Signatory for all Town bank accounts.		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input checked="" type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Regulatory</b> <input type="checkbox"/> <b>1<sup>st</sup> Reading</b> <input type="checkbox"/> <b>2<sup>nd</sup> Reading</b> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Adopt Resolution 1532-15: A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AUTHORIZING MAYOR TOM J. RANKIN, INTERIM TOWN MANAGER LISA GARCIA AND INTERIM FINANCE DIRECTOR MARCIA GOERDT TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON ALL TOWN OF FLORENCE BANK ACCOUNTS, AND DECLARING AN EMERGENCY.

**BACKGROUND/DISCUSSION:**

A resolution must be adopted naming staff authorized to sign on the Town’s bank accounts. New signature cards need to be completed.

Currently the Mayor, Town Manager and Finance Director are authorized signers. This resolution removes outgoing Town Manager Charles A. Montoya, adds Interim Town Manager Lisa Garcia and changes the title of Marcia Goerdts from Accounting Manager to Interim Finance Director, to the appointed signatories for banking functions.

The following accounts are included: National Bank of Arizona General Checking Account, National Bank of Arizona Payroll Account, Local Governmental Investment Pool #7, Local Governmental Investment Pool #5, Stifel, Nicolaus & Company Inc. Investment Account.

This resolution will be effective immediately.

**FINANCIAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Adopt Resolution No. 1532-15



**ATTACHMENTS:**

Resolution No. 1532-15

**RESOLUTION NO. 1532-15**

**A RESOLUTION OF TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN, INTERIM TOWN MANAGER LISA GARCIA, AND INTERIM FINANCE DIRECTOR MARCIA GOERDT TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE TOWN OF FLORENCE BANKING ACCOUNTS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, an Interim Town Manager has been appointed effective July 13, 2015, and it is therefore necessary to approve new signature authorizations for the Town's bank accounts.

**BE IT HEREBY RESOLVED**, that Mayor Tom J. Rankin, Interim Town Manager Lisa Garcia, and Interim Finance Director Marcia Goerdts are authorized as signatories for the following bank accounts:

1. National Bank of Arizona - General Checking and Investment Account
2. National Bank of Arizona Payroll Checking Account
3. State of Arizona Local Governmental Investment Pool-All Accounts
4. Stifel, Nicolaus & Company, Inc. Investment Account

The immediate operation of this resolution is necessary for preservation of the public peace, health and safety of the Town of Florence and an emergency is hereby declared to exist; and this Resolution shall be in full force and effect from the offer of its passage and approval by the Mayor and Council of the Town of Florence with an effective date of July 20, 2015.

**PASSED AND ADOPTED BY** the Mayor and Town Council of the Town of Florence, Arizona, this 20th day of July 2015.


\_\_\_\_\_  
Tom J. Rankin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lisa Garcia, Town Clerk

\_\_\_\_\_  
Clifford L. Mattice, Town Attorney

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 8d.</b>
<b>MEETING DATE:</b> July 20, 2015  <b>DEPARTMENT:</b> Finance  <b>STAFF PRESENTER:</b> Lisa Garcia, Interim Town Manager  <b>SUBJECT:</b> Resolution No. 1533-15: Signatory for Police Evidence Trust Fund		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input checked="" type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Regulatory</b> <input type="checkbox"/> <b>1<sup>st</sup> Reading</b> <input type="checkbox"/> <b>2<sup>nd</sup> Reading</b> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Adoption of Resolution No. 1533-15, A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN AND INTERIM TOWN MANAGER LISA GARCIA TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE POLICE EVIDENCE TRUST FUND AT NATIONAL BANK OF ARIZONA, AND DECLARING AN EMERGENCY.

**BACKGROUND/DISCUSSION:**

The Police Department Evidence Trust Fund, a separate bank account, was established by Resolution No. 745-01 on January 16, 2001. The purpose of the bank account is to provide a holding account for funds confiscated during crime suppression by the Town's Police Department. As the individual cases are disposed, the funds are either distributed back to the owner, distributed to Pinal County for RICHO distribution or to the Town of Florence.

Our Police Evidence Technician has oversight of these cases and the Police Chief authorizes the distribution of funds. Deposits are made by the Police staff with corresponding case numbers. Distributions are made according to the case number for full accounting. A payment request is forward to the Finance Department and then to the Town Manager for signature when payment is to be distributed from this bank account. The bank reconciliation is maintained by the Finance Department accountants.

This resolution will be effective immediately.

**FINANCIAL IMPACT:**

This is an internal control objective for accountability and security.

**STAFF RECOMMENDATION:**

Adoption of Resolution No. 1533-15.

**ATTACHMENTS:**

Resolution No. 1533-15

**RESOLUTION NO. 1533-15**

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN AND INTERIM TOWN MANAGER LISA GARCIA TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE POLICE EVIDENCE TRUST FUND AT NATIONAL BANK OF ARIZONA, AND DECLARING AN EMERGENCY.**

The immediate operation of this resolution is necessary for preservation of the public peace, health and safety of the Town of Florence and an emergency is hereby declared to exist; and this Resolution shall be in full force and effect from the offer of its passage and approval by the Mayor and Council of the Town of Florence with an effective date of July 20, 2015.

**PASSED AND ADOPTED BY** the Mayor and Town Council of the Town of Florence, Arizona, this 20<sup>th</sup> day of July 2015.

\_\_\_\_\_  
Tom J. Rankin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lisa Garcia, Town Clerk

\_\_\_\_\_  
Clifford L. Mattice, Town Attorney

**MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, JUNE 1, 2015, AT 6:00 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Mayor Rankin called the meeting to order at 6:11 pm.

**ROLL CALL:**

Present: Rankin, Walter, Woolridge, Hawkins, Guilin, Anderson

**MOMENT OF SILENCE**

Mayor Rankin called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Mayor Rankin led the Pledge of Allegiance.

**CALL TO THE PUBLIC**

**Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.**

Ms. Adrienne Lahr, Florence resident, stated that it had been six months since she spoke with Council regarding concerns at the dog park, and since then, very little had been done to correct the concerns.

Mayor Rankin requested that the Parks and Recreation Department complete the requested repairs and concerns before the next Council Meeting.

Ms. Denise Kollert, Florence resident, stated that the First Presbyterian Church will hold vacation bible school.

**PRESENTATIONS**

**Retirement Award presented to Katherine Kaiser, Town Magistrate, for 11 years of dedicated service.**

Mayor Rankin stated that Ms. Kaiser started working with the Town of Florence as a Court Clerk in August 2004, promoted to Court Administrator, and then as the Council-appointed Town Magistrate in 2010. He stated that Ms. Kaiser had been a part of the Town for approximately 11 years, and on behalf of the Council, Town staff and citizens, wished her well in her retirement.

Mayor Rankin presented Ms. Kaiser with a plaque of appreciation.

Ms. Kaiser stated that she will miss Town staff and the citizens of Florence.

**Retirement Award presented to Tim Bruce, Police Officer, for 20 years of dedicated service.**

Mayor Rankin stated that it is unusual to have an employee spend their entire career in one agency but that was the case with Officer Bruce. He stated that Officer Bruce was hired in 1995 and had served the Town and its citizens for the past 20 years, as well as having served in the military participating in several deployments.

Mayor Rankin presented Officer Bruce with a plaque of appreciation for his commitment and dedication to the Town and its citizens and for his service to our country.

Mr. Daniel Hughes, Police Chief, stated that Officer Bruce had been an exemplary employee keeping the citizens of Florence safe and doing his best each and every day.

Officer Bruce thanked the Town of Florence.

**ADJOURN TO BOARD OF ADJUSTMENTS**

On motion of Councilmember Hawkins, seconded by Councilmember Anderson, and carried to adjourn to the Board of Adjustments.

**Public hearing and approval for Variance Request Number PZ-15-28 BOA regarding the use of barbed wire fencing on a portion of the Johnson Ranch Estates property in Florence, Arizona.**

Mr. Mark Eckhoff, Community Development Director, stated that the request is for approval to use barbed wire fencing on portions of the Johnson Ranch Estates property to allow for cattle grazing, which is located east of State Highway 79 and the north and south sides of Florence-Kelvin highway.

Mr. Eckhoff stated that the subject site has special circumstances or conditions applying to the land, building or use referred to in the application that does not apply to other properties in the District. The tract size of the land is 1,112 acres, which makes it suitable for cattle grazing and the containment of cattle on the property necessitates the use of barbed wire fencing. He stated that the Johnson Ranch Estates PUD allows for

traditional farming and grazing until a specific site plan and associated improvement plans are submitted.

Mr. Eckhoff stated that the special circumstances were not created by the owner or applicant. He stated that the market is the most notable factor why the property is better suited for cattle grazing at this time rather than a master planned community. He stated that the owner would like to utilize the property for grazing purposes until such time as a master planned community would be appropriate.

Mr. Eckhoff stated that the authorization of the variance is necessary for the preservation and enjoyment of substantial property rights. He stated that the property owner intends to develop the property as described in the PUD; however, there is significant planning that must be done prior to its actual development. He stated that the owner, in the interim, would like to use the property in a manner that is consistent with the area and the use of barbed wire is a proven and effective means of containing cattle.

Mr. Eckhoff stated that the authorization of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general. He stated that proper public notification had occurred via the posting of public hearing signs, notices sent to property owners, surrounding property owners and notices published in the local newspaper. He stated that to date, staff had not received any communication opposing the variance.

Boardmember Guilin inquired if signs would be posted on the fence to reduce the possibility of injury or accidents.

Mr. George Johnson, Johnson Ranch Estates, stated that "No Trespassing" signs would be placed on the barbed wire fence.

Boardmember Anderson inquired if there were any other PUDs allowing barbed wire fencing.

Mr. Eckhoff stated that this is the first variance request that he was aware of for barbed wire fencing, nor had any recent PUDs been written with language allowing barbed wire fencing. He stated that it would be realistic to have areas with existing barbed wire fencing that was installed prior to the development of the PUD.

Boardmember Walter inquired if a caveat could be added to the variance stipulating that signage must be placed in compliance with State law and what the disposition of the barbed wire fence would be once construction of the development starts.

Mr. Eckhoff stated that the caveat regarding signage could be added to the variance if Council wishes.



Boardmember Walter inquired what the original complaint stated regarding the barbed wire fence.

Mr. Eckhoff stated the original complaint was a notification that a barbed wire fence had been installed with no negative or opposing statements.

Chairman Rankin inquired if additional fencing would be needed in the future.

Mr. Rob Longaker, The WLB Group, stated that the remaining portions of the land already had fencing either by that which is located on Mr. Johnson's property or by the State of Arizona.

Chairman Rankin opened the public hearing.

Mr. Gary Tryon, Florence resident, inquired if the new fencing would affect existing fencing on the adjoining parcels.

Mr. Eckhoff stated that the property owner would only install fencing on his property, not crossing over the property line. He stated that if there is fencing in place now that may have been installed over a property line, Mr. Johnson would work with the property owner to resolve.

Chairman Rankin closed the public hearing.

Boardmember Hawkins inquired what length of time the cattle will be on the land. He recommended that a time limit be placed on the variance, as he had received concerns from Town residents.

Mr. Eckhoff stated that the PUD allows for agricultural use which would include grazing of cattle. He stated that the owner had full intent to develop the property into residential homes when the housing market became stronger and can support new residential and commercial construction in the area.

Boardmember Anderson stated that he supports Boardmember Hawkins' statement, as the Anthem PUD, which has a dairy farm close by, is drawing flies to the area and would not want that same experience for a new subdivision.

Mayor Rankin stated that he believes development construction is driven by the economy and it cannot be determined if and when the market will rise or fall. A timeline would not be appropriate with the requested variance. When the PUD was developed a few years ago it was not taken into consideration that the land would most likely be farm land and there would be a necessity to use barbed wire fence prior to development.

On motion of Boardmember Guilin, seconded by Boardmember Walter, and carried to approve the Variance Request Number PZ-15-28 BOA regarding the use of barbed wire fencing on a portion of the Johnson Ranch Estates property in Florence, Arizona.

## **ADJOURN FROM BOARD OF ADJUSTMENTS**

On motion of Boardmember Walter, seconded by Boardmember Guilin, and carried to adjourn from the Board of Adjustments.

**CONSENT: All items on the consent agenda will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.**

- a. **Approval of the Arizona Parks and Receptions Fellowship's application for a Special Event Liquor License for the Fourth of July Freedom Fest on July 4, 2015 at Heritage Park.**
- b. **Approval of Task Order No. 1 with Baxter Design Group, LLC, for design services for the Main Street Extension Project, for \$61,400.**
- c. **Approval of Change Order No. 3 with DBA Construction, Inc., for paving within the Turner Subdivision, for \$11,331.54, with a total project cost not to exceed \$383,073.61.**
- d. **Ratification of Canal Right-of-Way Use Agreement between the Town of Florence and the United States of America, Bureau of Indian Affairs, San Carlos Irrigation Project.**
- e. **Approval of a right-of-way between the Town of Florence and the United States of America, Bureau of Indian Affairs, San Carlos Irrigation Project for the Territory Square Project.**
- f. **Authorization to dispose of Town assets listed on the June 1, 2015, Request for Council Action Form per policy.**
- g. **Approval of accepting the register of demands ending April 30, 2015, in the amount of \$4,045,617.15.**

On motion of Councilmember Hawkins, seconded by Vice-Mayor Walter, and carried to approve the Consent Agenda, as written, with the exception of items 9b, 9c, 9f and 9g.

**9b. Approval of Task Order No. 1 with Baxter Design Group, LLC, for design services for the Main Street Extension Project, for \$61,400.**

Councilmember Anderson inquired as to what was entailed in Task Order No. 1.

Mr. John Mitchell, Utilities Director, stated that the Baxter Design Group, LLC, was the engineer for the Main Street Extension Project which is the temporary access road leading to Highway 79 that is currently under construction. He stated he brought to Council a Professional Services Contract to Council in January 2015 to capture the professional design services that was being done by the Baxter Design Group, LLC, for the Public Works Department. He stated that the project had been approved prior but the design portion had not been captured in the original approval request.

Councilmember Anderson stated that he was concerned that services are being completed without prior approval from Council.

**9c. Approval of Change Order No. 3 with DBA Construction, Inc., for paving within the Turner Subdivision, for \$11,331.54, with a total project cost not to exceed \$383,073.61.**

Councilmember Anderson inquired as to what was entailed in Change Order No. 3.

Mr. Mitchell stated that Change Order No. 3 is for the paving within the Turner Subdivision. He stated that there have been three change orders with this project. The first change order eliminated partial paving and speed humps, lowered the existing grade to match that of the new concrete improvements, allowing the new water lines to be installed. The second change order allowed for the paving and speed humps to be installed following the water line installation. The third change order being presented to Council provides for the adjustment of water valves to grade, additional traffic control, and provided for increased tie-in paving between Willow and Central with Adamsville Road.

Councilmember Anderson inquired as to why these items were not a part of the original contract.

Mr. Mitchell stated that the project had unanticipated issues occur that required the change orders and that the administration portion of the project needed to be caught up.

**9f. Authorization to dispose of Town assets listed on the June 1, 2015, Request for Council Action Form per policy.**

Vice-Mayor Walter inquired if the trucks should not be kept as Council agreed to review the trash service program at the end of the RAD contract to determine if the Town still wanted to outsource the service or resume trash service internally.

Mr. Charles Montoya, Town Manager, stated that when trash service was outsourced, there were trucks that were older and needed to be replaced. He stated that two of the trucks were over 30 years old and another was over 20 years old. He stated that the trucks continue to decrease in value as they sit and become more of a liability. The

RAD contract has three more years until it comes up for renewal and at the time of renewal, the contract will be brought back to Council.

Vice-Mayor Walter stated that one of the trash trucks was classified as in fair condition and inquired if the vehicle could be used by residents who are in need of hauling trash and debris off their property.

Mr. Montoya stated that the Public Works Department currently has two trucks available for residents to use and they are not being utilized to capacity.

Vice-Mayor Walter stated that the program is not being utilized due to under informing residents.

Mr. Montoya stated that staff is aware of the need to better inform the citizens of the program and are in the process of adding information to the Town's website.

Councilmember Guilin stated that she believes the trucks had been used at the sewage treatment plant and it would not be appropriate for residential use.

Councilmember Hawkins stated that if this type of truck is not utilized and maintained on a daily basis, the equipment starts to breakdown and deteriorate which is very costly to replace.

Councilmember Anderson inquired if the Town has a Salvage Policy as he has become aware that the Town has a large amount of older vehicles sitting in a lot.

Mr. Montoya stated that staff looked at factors such as wear and tear on the vehicle versus the cost of maintenance, the age of the vehicle and the mileage when determining how to proceed. He stated once it becomes more costly to maintain and operate, the vehicle is looked at for disposal.

Mr. Montoya stated last year staff obtained approval from Council to sell the Town's trash cans with the outsourcing of the service, and at that time, Council decided to wait one year to see how the RAD contract worked out before disposing of the older trash trucks.

Councilmember Anderson inquired as to how the disposal of Town assets is completed.

Mr. Montoya stated that a professional auction house is used to dispose of vehicles.

Councilmember Guilin stated that there is a policy on the disposal of Town assets that can be obtained from the Clerk's office which states how to properly dispose of Town assets.

Vice-Mayor Walter inquired if a different department could use the ATV or the water truck.

Mr. Montoya stated that water truck has significant maintenance issues that do not permit it to be used for hauling water. He stated that the ATV is over 30 years old and is considered hazardous based on its age and usage history.

**9g. Approval of accepting the register of demands ending April 30, 2015, in the amount of \$4,045,617.15.**

Councilmember Anderson inquired as to why there were two payments to the Town of Coolidge in the amount of \$23,000.

Mr. Mike Farina, Finance Director, stated that the payments are for CART services; one for the 2014/2015 Fiscal Year and the second one is for the 2015/2016 Fiscal Year in light of the expenditure limitation.

On motion of Councilmember Anderson, seconded by Councilmember Guilin, and carried to approve the Consent Agenda items 9b, 9c, 9f and 9g.

**NEW BUSINESS**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1521-15 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, CANVASSING THE VOTES AND DECLARING AND ADOPTING THE RESULTS OF THE SPECIAL ELECTION HELD ON MAY 19, 2015.**

Mr. Garcia stated that the Special Election was held on May 19, 2015, with 4,465 ballots issued, with a return of 348 ballots by the post office. She stated that 2,225 ballots were returned by voters; 1,854 ballots were accepted and 371 were rejected. She stated that the votes casted in regards to Proposition 407 were 1439 yes votes, or 77.87%, and 409 no votes, or 22.13%.

Mayor Rankin stated that Town staff, specifically Ms. Garcia and Mr. Farina, did an excellent job educating the public on Proposition 407. He thanked the Florence Unified School District for their e-mail blasts, the Chamber of Commerce for their article in the paper in support of the proposition and the many organizations who allowed staff to come to their meetings and speak, and the Florence Fire Fighters Association for their efforts with the roadside signs throughout Town. He stated that he appreciated the support from the voters who voted in favor of the proposition and encouraged those who voted against the proposition to watch Council in the upcoming year and see the fiscal responsibility of their actions, and hopefully Council can gain their trust.

Councilmember Hawkins inquired as to why 348 ballots were returned by the post office.

Ms. Garcia stated that election material cannot be forwarded. She stated that if a voter does not contact the Voter Registration office and update their mailing information the election material will not be forwarded by the post office and is returned to the sender.

On motion of Vice-Mayor Walter, seconded by Councilmember Guilin, and carried to adopt Resolution No. 1521-15.

**Discussion/Approval/Disapproval of selecting a new councilmember with a term expiring December 2016.**

Mayor Rankin stated that Council had conducted interviews with the candidates and inquired if anyone had any further questions.

Mayor Rankin opened nominations.

Councilmember Hawkins nominated Ms. Karen Wall.

Councilmember Guilin nominated Mr. Tom Smith.

Councilmember Woolridge nominated Mr. Jeff Wooley.

Vice-Mayor Walter nominated Mr. Art Buckley.

Mayor Rankin closed the nominations.

Ms. Garcia stated that a roll call vote would be done on each nominee in the order that they were nominated and the first nominee who received four yes votes would be appointed.

A roll call vote was taken to appoint Ms. Karen Wall to Town Council with a term expiring December 2016.

Roll Call:

Councilmember Hawkins – Yes  
Councilmember Anderson – Yes  
Councilmember Guilin – No  
Councilmember Woolridge – No  
Vice-Mayor Walter – Yes  
Mayor Rankin – No

Appointment failed: Yes: 3, No: 3

A roll call vote was taken to appoint Mr. Tom Smith to Town Council with a term expiring December 2016.

Roll Call:

Councilmember Guilin – Yes  
Councilmember Anderson – No  
Councilmember Hawkins – No  
Councilmember Woolridge – No  
Vice-Mayor Walter – No  
Mayor Rankin – Yes

Appointment failed: Yes: 2, No: 4

A roll call vote was taken to appoint Mr. Jeff Wooley to Town Council with a term expiring December 2016.

Roll Call:

Councilmember Woolridge – Yes  
Councilmember Anderson – No  
Councilmember Guilin – No  
Councilmember Hawkins – No  
Vice-Mayor Walter – No  
Mayor Rankin – No

Appointment failed: Yes: 1, No: 5

A roll call vote was called taken to appoint Mr. Art Buckley to Town Council with a term expiring December 2016.

Roll Call:

Vice-Mayor Walter – Yes  
Councilmember Hawkins – No  
Councilmember Anderson – No  
Councilmember Guilin – No  
Councilmember Woolridge – No  
Mayor Rankin – No

Appointment failed: Yes: 1, No: 5

On motion of Councilmember Anderson, seconded by Vice-Mayor Walter and carried to adjourn to Executive Session to discuss parliamentary procedure regarding the next step for the appointment process.

On motion of Councilmember Hawkins, seconded by Councilmember Guilin, and carried to adjourn from Executive Session.

On motion of Vice-Mayor Walter, seconded by Councilmember Hawkins, and carried to open up the nominations for appointment to the Town Council for a term expiring December 2016.

Councilmember Hawkins nominated Ms. Karen Wall.

Ms. Wall accepted the nomination.

Councilmember Guilin nominated Mr. Tom Smith.

Mr. Smith accepted the nomination.

Councilmember Woolridge nominated Mr. Jeff Wooley.

Mr. Wooley accepted the nomination.

Vice-Mayor Walter nominated Mr. Art Buckley and Ms. Dulaine Coleman.

Mr. Buckley accepted the nomination.

Ms. Coleman accepted the nomination.

A roll call vote was taken to appoint Ms. Karen Wall to Town Council with a term expiring December 2016.

Roll Call:

Councilmember Hawkins – Yes  
Councilmember Anderson – Yes  
Councilmember Guilin – No  
Councilmember Woolridge – No  
Vice-Mayor Walter – Yes  
Mayor Rankin – Yes

Appointment Passed: Yes: 4, No: 2

**Official swearing in and seating of the appointed Councilmember.**



Ms. Karen Wall was sworn in by Judge Kaiser.

## **DEPARTMENT REPORTS**

- a. Manager's Report**
- b. Department Reports**
  - i. Community Development**
  - ii. Courts**
  - iii. Finance**
  - iv. Fire**
  - v. Library**
  - vi. Parks and Recreation**
  - vii. Police**
  - viii. Public Works**
  - ix. Utilities**

Councilmember Hawkins inquired as to when the Aquatic Center would be opening.

Mr. Bryan Hughes, Parks & Recreation Director, stated they are anticipating a July 4, 2015 opening of the Aquatic Center.

Councilmember Anderson inquired if it was practical to utilize the stand-by protocol for the Fire Department.

Mr. David Strayer, Interim Fire Chief, stated that the stand-by protocol is a standard throughout the country and that it allows equipment and resources to strategically move throughout Town to ensure the quickest response time to emergency calls.

## **CALL TO THE PUBLIC**

Mr. George Johnson, Johnson Utilities, stated that his team was working hard to get the project moving forward and appreciated the assistance the Town had provided.

Mr. Jim Tchida, Florence resident, stated that he was pleased with the way Council handled the appointment process to fill the vacant seat on Council but was unhappy with the answers that were provided by the candidates regarding what Council and the Town could do better. He stated that he believes much more can be done and done better, including the work to revitalize Main Street.

Ms. Denise Kollert, Florence resident, stated she is disappointed in the amount of empty store fronts along Main Street and the fact that many stores who advertise their business hours were not open even though they advertise that they would be. She encouraged Council to work with the property owners to improve building conditions and with business owners to be open when they advertise they would be.

Ms. Adrienne Lahr, Florence resident, stated she too would like to see more businesses in the downtown area.

## **CALL TO THE COUNCIL**

Councilmember Guilin thanked all those who voted in the Special Election.

Councilmember Hawkins stated that the Special Election received a three to one favorable vote and still believes the reason Home Rule failed previously was due to the location of the item on the ballot.

Councilmember Woolridge thanked the voters for their support and for allowing the Town to continue to provide services. She welcomed Ms. Wall to Council.

Councilmember Wall thanked Council for her appointment and trusting her to join the Council. She stated that she looks forward to working with Council and staff.

Vice-Mayor Walter welcomed Ms. Wall to Council. She thanked the Fire Department for their quick response to her residence as she had a small fire and their service was excellent. She encouraged citizens to sign up at the library for various events throughout the summer and the Parks & Recreation Summer Kids Program. She encouraged Ms. Lahr and Mr. Tchida to come up with a beatification plan for the dog park as Mr. Tchida is with an organization that is planting trees around Town.

Mayor Rankin thanked all candidates for applying for the vacant Council seat and encouraged them to run for Council during the next election process. He thanked the residents for their favorable vote regarding Proposition 407. He thanked all the various entities for assisting with the Aquatic Center permit process and looks forward to its opening.

Ms. Garcia stated that as a parliamentary procedure reminder, Councilmember Wall may not vote on any items within her first 24 hours as a Councilmember.

## **ADJOURN TO EXECUTIVE SESSION**

**An Executive Session will be held during the Council Meeting for the following, pursuant to A.R.S. Section 38-431.03(A)(1):**

- a. Discussion and consideration of Town Manager assignments.**
- b. Town Council Appointee Updates. Various appointed positions for the Town are open. The Town Council will be discussing appointments involving the following Town positions: Town Attorney; Town Magistrate.**

On motion of Councilmember Anderson, seconded by Vice-Mayor Walter and carried to adjourn to Executive Session.

## **ADJOURNMENT FROM EXECUTIVE SESSION**

On motion of Vice-Mayor Walter, seconded by Councilmember Hawkins and carried to adjourn from Executive Session.

## **ADJOURNMENT**

On motion of Councilmember Guilin, seconded by Vice-Mayor Walter, and carried to adjourn the meeting at 9:35 pm.

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Tom J. Rankin, Mayor

## **ATTEST:**

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Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on June 1, 2015, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Town Clerk

**MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON WEDNESDAY, JUNE 10, 2015, AT 3:00 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Mayor Rankin called the meeting to order at 3:07 pm.

**ROLL CALL:**

Present: Rankin, Walter, Woolridge, Hawkins, Guilin, Anderson, Wall.

**MOMENT OF SILENCE**

Mayor Rankin called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Mayor Rankin led the Pledge of Allegiance.

**CALL TO THE PUBLIC**

**Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.**

There were no public comments

**NEW BUSINESS**

**Resolution No. 1523-15:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1523-15 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, GRANTING A NON-EXCLUSIVE UTILITY EASEMENT TO ARIZONA PUBLIC SERVICE COMPANY, AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.**

Mr. Mark Eckhoff, Community Development Director, stated that the three resolutions being presented to Council are formalizing easement agreements necessary for the ongoing development of Territory Square. He stated that the easements are for Arizona

Public Service to supply electrical services, Southwest Gas to supply gas services and for San Carlos Irrigation Project to relocate the irrigation on the property.

On motion of Councilmember Anderson, seconded by Councilmember Woolridge, and carried to adopt Resolution No. 1523-15.

**Resolution No. 1524-15:**

Ms. Lisa Garcia read Resolution No. 1524-15 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, GRANTING A NON-EXCLUSIVE UTILITY EASEMENT TO SOUTHWEST GAS CORPORATION, AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.**

Mr. Eckhoff stated that the resolution is the same as the prior agenda item.

On motion of Councilmember Anderson, seconded by Vice-Mayor Walter, and carried to adopt Resolution No. 1524-15.

**Resolution No. 1525-15:**

Ms. Lisa Garcia read Resolution No. 1525-15 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, ARIZONA, GRANTING AN EASEMENT FOR IRRIGATION IMPROVEMENTS TO THE UNITED STATES OF AMERICA, BUREAU OF INDIAN AFFAIRS, SAN CARLOS IRRIGATION PROJECT (SCIP), AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.**

Mr. Charles Montoya, Town Manager, thanked Mr. Eckhoff, Mr. Richard Morales, APS, for his assistance in the preparation of the documents and Mayor Rankin for his intervention on behalf of the Town with San Carlos Irrigation Project and San Carlos Irrigation District.

On motion of Councilmember Woolridge, seconded by Vice-Mayor Walter, and carried to adopt Resolution No. 1525-15.

**Approval of the Greater Florence Chamber of Commerce application for a Special Event Liquor License for the First Thursday event on July 2, 2015, at McFarland State Park.**

Ms. Garcia stated that this is the standard request from the Greater Florence Chamber of Commerce for their First Thursday of the Month event that will occur on July 2, 2015.

On motion of Councilmember Guilin, seconded by Councilmember Hawkins, and carried to submit a recommendation for approval to the Arizona Department of Liquor License and Control on the application submitted by the Greater Florence Chamber of Commerce application for a Special Event Liquor License for the First Thursday event on July 2, 2015 at McFarland State Park.

### **WORK SESSION ON THE 2015-2016 FISCAL YEAR BUDGET.**

Mr. Montoya stated the 2015/2016 draft budget is listed by funds, recurring expenses, one-time expenses, and large and small capital costs. He stated that the recurring General Fund represents staff positions that have been frozen, staff insurance coverage and general operational increases. The capital projects are categorized as one-year or two-year projects and that there are no planned vehicle purchases or replacements. There are a number of positions that were frozen and as the budget is reviewed strategic positions will need to be reviewed to ensure services are not being affected.

Mr. Montoya stated that in April 2013, a three year budget goal was put in place to lower use and dependency on the General Fund in the recurring budgets. The goal was to result a \$0 use goal in the 2015/2016 Fiscal Year. The plan was to use \$865,115 in the 2013/2014 Fiscal Year; however, \$448,614 was not expended. The plan also included utilizing \$469,000 from the General Fund in the current fiscal year; however, it is estimated that \$150,000 will be used. It was also planned to utilize \$1,161,000 in the 2015/2016 Fiscal Year, which is a reduction of approximately \$840,000 from the original draft budget that was presented to the Budget Committee. He stated the goal was to get the anticipated use under \$1,000,000 but due to many circumstances, including an increase in the Town's liability insurance of \$100,000, that goal had not been met. He stated that to obtain the goal, several things need to occur, including:

- No new vehicle replacements or purchases
- Maintain vacant position
- Any merit increases are one-time stipends
- Control overtime in all departments
- Limit operating cost increases to uncontrollable expenses
- Manage additional vacancies as needed, without affecting service levels
- Review of property taxes
- Utilize bonding for roads and utility projects

Mr. Montoya provided a budget presentation, in which he discussed the following:

- Reductions
  - The Town asked the voters to approve \$15,000,000 to maintain existing service levels in the Special Election.
  - The amount under the expenditure limitation is actually estimated at approximately \$11,000,000 or \$4,358,110 less, which due to the required reduction of additional expenditures in all departments.
  - Department heads were asked to reduce their budgets even further and when those figures were returned, the actual figures from the Fiscal Year 2013/2014 were reviewed and line items were reduced even more.

- Voters were told during the Special Election that services would not be cut, but after all that has been done, there will be some slight changes that need to occur.
- Capital Projects
  - There are a number of one-time capital projects that will not require engineering services and will only take one year to complete,
  - The remainder of the projects that will require two years to complete will need to go through the RFP process, engineering review and design work prior to the project being completed.
- SAFER Grant
  - Pays for the fourth man on the engine at Fire Station No. 2, will expire in March 2016.
  - The Town will apply for an extension of the grant which cannot happen until the Federal Fiscal Year which opens October 1, 2015.
  - Award of the grant will be announced in January or February 2016.
  - Draft budget reflects the salary for the fourth man until such time that the grant extension is approved and funding begins.
- State Revenue Reductions
  - Additional State revenue reductions will be experienced, which will include additional reductions in Property Tax Revenues and State Shared Revenues
  - Legislation is looking at population based revenues of cities and towns that have colleges and prisons.
- San Tan Incorporation
  - Continues to be reviewed at the legislative level
  - Originally would have impacted the Town between \$800,000 and \$1,000,000 annually and that number continues to grow.
  - Staff continues to work with the Town lobbyist and attend legislative session regarding the incorporation along with working with the Town's Pinal partners to minimize the financial impact of the incorporation of San Tan.
- Magic Ranch and Arizona Farms Annexation
  - The annexation of Magic Ranch and Arizona Farms is still in the hands of the Courts
  - Council was presented with a cost analysis if the annexation should go through and if the courts deny it.
- Florence Copper
  - Florence Copper issue in previous years was funded through the Capital Improvement Fund but it is now being funded through the General Fund at an annual expense of \$250,000 until the one-time issue is resolved.
- Infrastructure Emergencies
  - Recently experienced a couple of infrastructure emergencies
    - Well that went down in north Florence
    - Several water main breaks that could not be anticipated
  - Utilities budget has contingency money set aside; however, an updated study needs to be conducted to identify projects that need to be completed
  - Need to review impact fees
  - Need to review Town's infrastructure

- Sales Tax Fees
  - Sales Tax fees are down currently so the Budget Committee took a conservative approach as it is unknown how commercial growth will impact the Town next year.
  - New home construction continues to increase and decrease.
  - Pulte has received approximately 20 new permits each month for the last three months.

Mr. Montoya stated that the Town will need to go through another Special Election in May for the expenditure limitation for the Fiscal Year 2016/2017, and then will have the General Election in the fall.

Mr. Montoya stated that the items for additional consideration in the draft budget are as follows:

- Fire Department
  - \$40,000 in part-time and overtime salaries were inadvertently removed from the budget when the budget was originally reviewed
  - The decrease will hinder the ability of the department to operate correctly.
- Community Development
  - Commercial and building permits have doubled over the last few years inundating the one Building Inspector and requiring the use of outside professional services to keep up with demand.
  - Recommendation is being made that will allow for the hiring of a second Inspector with the salary being covered by the sharing of an administrative staff member between Community Development and the Engineering Department eliminating the need for a second administrator.
  - There will also be an elimination of the need for outside professional services which will also cover the salary of the second Inspector.
  - Development of a five year Financial Plan.
  - Update Capital Improvement Plan
    - Identify projects that need to be done now or in the near future and the anticipated costs of those improvements.
  - Utility rate study
    - Rate increases have been put on hold pending the outcome of a study.

Mr. Michael Farina, Finance Director, explained that the areas highlighted in the budget are the changes to the Fiscal Year 2015/2016 draft budget in comparison to the current fiscal year budget. He provided a brief description of those changes and the dollar amount associated with each of the changes, as follows:

- General Government
  - HB2617 – New costs from the Arizona Department of Revenue for the Transaction Privilege Tax administration, resulting in an increase of \$56,000.
- Town Engineer/Engineering



- Previously approved by Council to create an Engineering Department with costs being allocated between the General Fund, Highway User Revenue Fund (HURF), Water Fund and the Sewer Fund.
- Organizational-wide
  - 3% average merit-based stipend (no salary increase), resulting in an increase of \$339,200.
  - Zero increase in health insurance premiums where an 8% increase was anticipated, resulting in a decrease of \$179,300.
  - With Proposition 407 receiving a favorable vote, there will be no reduction in service levels.
- General Fund
  - The budgetary process started with a 1.5% inflationary increase over the 2004/2015 annual budget on non-personnel line items.
  - General Fund departments were tasked with reducing their budgets by 1% to 6%, resulting in a decrease of \$418,900.
- Administration
  - Administrative Assistant position frozen, resulting in a decrease of \$46,400.
- Courts
  - Outsourcing of the Town Magistrate position, resulting in a decrease of \$23,000.
- Town Attorney
  - Assistant Town Attorney position frozen, resulting in a decrease of \$84,400.
  - Professional services for continued outside legal services for the Florence Copper issue, resulting in an increase of \$250,000.
- Finance/Grants
  - Customer Service Representative will become vacant in July 2015 and depending on workload and service needs, may or may not be filled at a cost of \$39,800 (0.1 FTE).

Councilmember Guilin inquired if the Customer Service Representative position was offset by sanitation funds.

Mr. Farina stated that 10% is funded by the General Fund with the remaining coming from Sanitation.

Mr. Farina continued to present the following:

- Grants Coordinator position will continue to be frozen, resulting in a decrease of \$70,000.
- Reallocation of the Grants/Assessments Manager position as the duties were clarified and the position is completing more General Fund responsibilities rather than Community Facilities District (CFD) responsibilities, resulting in an increase of \$31,400.
- Community Development

- Building Inspector position has been frozen, resulting in a decrease of \$56,400 with a need for review as service levels will be impacted if position is not filled.
- Police
  - Dispatcher position has been frozen, resulting in a decrease of \$54,500.
  - School Resource/Crime Prevention Officer position has been frozen, resulting in a decrease of \$68,700.
- Fire
  - The elimination of a temporary Captain assignment, resulting in a decrease of \$100,000.
  - The Staffing for Adequate Fire and Emergency Response (SAFER) Grant will expire in the Spring 2016, resulting in three positions being picked up by the General Fund with an increase of \$68,700.
- Information Technology
  - Graphic Design and Digital Media Specialist continues to be frozen, resulting in a decrease of \$55,800.
- Parks and Recreation
  - Park maintenance for new sports fields and grounds, resulting in an increase of \$20,200.
  - Community Center (Library/Recreation) facility costs, resulting in an increase of \$111,200.
  - Operational costs for the Aquatic Center, resulting in an increase of \$275,800.
  - Staffing for the new Community Center, resulting in an increase of \$112,100.
  - Road to County Thunder, resulting in an increase of \$16,000.
- Capital Projects Fund
  - Capital projects fund is projected at \$2,596,600.
- Highway User Revenue Fund
  - One Maintenance Worker position has been frozen, resulting in a decrease of \$110,000. (2.5FTE)
  - Capital projects fund is projected at \$1,144,200.
- Fleet Services Fund
  - Mechanic Assistant position has been frozen, resulting in a decrease of \$41,500.00 (0.5 FTE)
- Facility Services Fund
  - Added a Custodian position due to the new Community Center, resulting in an increase of \$44,600.
- Water Utility Fund
  - System Operator position frozen, resulting in a decrease of \$22,250. (0.5 FTE)
  - Rate study to be performed, resulting in an increase of \$25,000.
  - Capital projects placeholder pending the results of the rate study and CIP, resulting in an increase of \$1,074,200.
- Sewer Utility Fund
  - System Operator position has been frozen, resulting in a decrease of \$22,250.

- Rate study to be performed, resulting in an increase of \$25,000.
- Capital projects placeholder pending the results of the rate study and CIP, resulting in an increase of \$5,000,000.
- Transportation Development Impact Fee Fund
  - Transfer to partially fund (reimburse) HURF for the Diversion Dam Road project in the amount of \$955,000.
- Merrill Ranch Community Facilities District 1 (MRCFD 1)
  - Placeholder for the issuance of General Obligation Bonds in the amount of \$1,500,000.
  - Issuance of Special Assessment Lien Bonds for Units 50 and 53 in the amount of \$1,011,500.
- Merrill Ranch Community Facilities District 2 (MRCFD2)
  - Placeholder for the issuance of General Obligation Bonds in the amount of \$1,225,000.
  - Issuance of Special Assessment (SA) Lien Bonds for Unit 36 in the amount of \$241,500.

Mr. Farina stated that the Town needs to develop a Capital Improvement Plan and a Long Range Financial Plan providing scenarios of different growth plans allowing the Town to maintain a healthy fund balance as it grows.

Mr. Farina stated that he had not included any carryover costs for current Capital Improvement Projects as he is waiting until the last minute to be able to provide the most accurate update as possible. He stated that he does not believe any carryover costs will impact the expenditure limitations for the upcoming fiscal year.

Mayor Rankin asked that the Councilmembers on the Budget Committee provide their input on the highlights that Mr. Farina presented.

Councilmember Guilin stated that the Committee worked very hard on the budget that was being presented. She stated that Council and staff need to monitor expenditures closely on a regular basis to ensure they do not exceed the revenues as the Town lost revenues this year and expenses were not reduced to compensate for the loss.

Councilmember Anderson stated that in the current fiscal year, expenditures exceeded revenue by \$1,161,000, resulting in a budget that is not balanced and a plan has not been developed as of yet that addresses the overspending.

Mayor Rankin thanked Councilmember Guilin and Councilmember Anderson for their work with the Budget Committee. With regard to the \$1,161,000, he inquired how much of it will be reoccurring costs and non-recurring costs.

Mr. Farina stated that \$250,000 is for the Florence Copper issue, which is a non-reoccurring expenditure. Once the issue is resolved, the Town will no longer experience those fees. He stated that the remaining \$911,000 is being used this fiscal year from the General Fund.

Councilmember Anderson stated that capital expenditures have been cut with no new equipment or raises and is concerned how that will impact the Town in the next few years.

Councilmember Guilin stated that the Town can only cut capital expenditures for one to two years until the need to replace equipment becomes a safety issue and the usage of the vehicles would start to impact fleet maintenance. She stated that the capital projects fund is in place with designated funds for projects over \$5,000.

Mayor Rankin inquired what the General Fund balance will be at the beginning of the new fiscal year.

Mr. Farina stated that the expected General Fund balance will be approximately \$7,000,000 at the end of the Fiscal Year 2014/2015. He stated after the transfer to reserves, the balance will be approximately \$5,100,000, which is considered good based on the industry best practice standard of a minimum of two months of expenditures, which this balance is more than that amount.

Councilmember Guilin stated that she is not comfortable with the General Fund balance being \$5,000,000, even though that may be industry standard, she would like to see a higher balance and more controls on expenditures.

Mayor Rankin stated that by controlling expenditures in the 2015/2016 Fiscal Year, the General Fund balance will increase.

Councilmember Guilin stated the fund balance will improve, but Council needs to reduce expenditures to match the revenue as no additional revenue has been identified. She stated that the Town will see an increase in the stated shared revenue but those increases will not cover the expenditures. She stated that if the Town continues to spend as it has as this time, the General Fund will be depleted within a few years.

Mayor Rankin stated that he understood the need to cut back as money was spent this year as a vast amount of projects were completed that needed to be done. He stated that he had spoken with the Town Manager and the Finance Director and provided a directive that expenses must be reduced and brought back in line with revenues now that the capital improvement projects had been completed. He inquired as to what the sales tax revenue is being anticipated at in the upcoming fiscal year.

Mr. Farina stated that the projected local sales tax revenue for Fiscal Year 2015/2016 is \$2,564,000 which is a reduction from the current fiscal year based on current trends; however, it reflects an increase with new restaurants coming to Town. He stated that the State Shared Sales Tax is budgeted at \$2,439,500, State Shared Income Tax is budgeted at \$3,074,500 and the Vehicle License Tax is at \$1,304,300.

Mayor Rankin stated that he would like to do whatever is possible to not increase property taxes, as there will be an increase to property owners due to the increase for Central Arizona College (CAC). He inquired what percentage of the revenue is from property tax.

Mr. Farina stated that property tax is approximately 5% of the revenue budget.

Mayor Rankin inquired what other items did the State increase expenses or reduce revenues to the Town, and if there was any reduction to HURF.

Mr. Farina stated that the State is now charging for the collection of sales tax and has reduced property tax revenues, but there was no reduction to HURF.

Mayor Rankin inquired if the full amount of what was budgeted in HURF will be spent.

Mr. Montoya stated that the project list is itemized by one-time items and projects that will require the RFP process and have a longer time line for completion, which may rollover into the 2016/2017 Fiscal Year. He stated that the funds in the budget line item for 2015/2016 are anticipated to be fully spent on either one-time items or the RFP and engineering portions of the larger projects.

Mayor Rankin inquired if the Arizona Seals would be using the Aquatic Center.

Mr. Bryan Hughes, Parks & Recreation Director, stated that the Arizona Seals are interested in utilizing the Aquatic Center and he does anticipate entering into a contract with the organization. He stated that the potential income from the contract is not reflected in the budget at this time.

Mayor Rankin inquired if an Intergovernmental Agreement (IGA) will be entered into with the Florence Unified School District (FUSD) for the use of the Aquatic Center.

Mr. Hughes stated that he had an appointment scheduled with the FUSD to discuss an IGA for use of the Aquatic Center.

Councilmember Guilin inquired how the agreements with the Arizona Seals and FUSD would impact the operating costs for the Aquatic Center.

Mr. Hughes stated that the IGA with FUSD and the contract with the Arizona Seals would reflect additional fees to off-set operational costs to accommodate their usage outside normal business hours for the Aquatic Center.

Mayor Rankin inquired if the aquatic program has been expanded to reflect the Arizona Seals program.

Mr. Hughes stated that the Arizona Seals have many ideas for the Aquatic Center and discussions are in a preliminary phase. As discussion progress, he believes incorporating some of their ideas can be done with a minimal impact on the budget.

Councilmember Anderson inquired if the pool will need to be heated for their program.

Mr. Hughes stated that there may be one to two months where the pool may need to be heated, but anticipates those costs being recovered through their contracted fees.

Mayor Rankin inquired if a fee structure had been developed for the use of the Aquatic Center.

Mr. Hughes stated that the Parks & Recreation Advisory Commission will review the proposed fee structure. Upon revision, it will then come before Council for approval. He stated that staff is recommending to keep the fees low this year, review usage and needs from this year's season and revise the fees for next year's swim season.

Vice-Mayor Walter inquired as to how usage of the Aquatic Center will be tracked.

Mr. Hughes explained that usage trends will be tracked through class registrations, special group usage and the sale of annual passes. He stated that open swim will be a challenge as drop-in swimmers will be hard to track.

Councilmember Woolridge recommended using a tracking system similar to that used at the Florence Library.

Vice-Mayor Walter suggested that the library card be tied to the Aquatic Center to allow the same software to be utilized.

Mayor Rankin inquired if there were any projects that Council would like to see completed in Fiscal Year 2015/2016, if funds are available.

Councilmember Woolridge stated that she would like to see the Town not spend money unless it is necessary to sustain the current level of services or the safety and welfare of the Town.

Councilmember Hawkins stated that he would like to see what ongoing costs will be to be for current projects that are under construction. He would like to control spending to build up the General Fund balance. He stated that he is concerned that the State Legislature could impact the Town's revenues more with the changes they are making to the school system and other areas.

Councilmember Guilin stated that she is conservative and that no projects should be implemented until a capital projects plan is in place with a long range fiscal plan. She stated that the Town is spending more money than it is taking in, and as such, no projects should be completed that are not budgeted for.

Councilmember Anderson stated that the Town is not in a position to complete any additional projects as funds are limited. If a major issue arises; the Town would have to sell bonds to pay for it.

Councilmember Wall stated that the projected fund balance at the end of Fiscal Year 2015/2016 is an 18% reduction from the anticipated fund balance at the end of Fiscal Year 2014/2015. If spending continues at this rate, the Town will run out of funds in a few years. She stated that she is a fiscal conservative and until funding can be identified, no projects should be done.

Vice-Mayor Walter outlined her concerns regarding the duration of the 2013/2014 budget season, which include:

- Concerns with the salary schedule that were not addressed,
  - Understands that it would be too costly to resolve the concerns at this time.
- Town Manager oversees personnel
  - Some salaries have increased by \$30,000 in the last two years
    - Those types of increases cannot occur as it impacts the budget.
  - Some employees are falling behind based on the salary schedule
    - A plan needs to be made to progress them accordingly.
  - There are part-time employees that are being compensated at the same rate as the full-time employees in some departments.
  - There are discrepancies in the system that need to be addressed, which funding does not permit at this time.
  - Raises at the level they have been previously awarded need to stop.
  - The draft budget reflects a 3% stipend to be paid out in a lump sum based on the employee's merit score.
    - She is not in favor of a lump sum payment instead of incremental payments each payroll cycle because if an employee should leave the Town, they have received their full year increase without working a full year.
    - It is anticipated that when you work, you are working towards retirement and when your salary or wages are frozen and you don't experience an increase, retention will be affected as staff will move on where they can realize better wages.
- Train department heads trained to apply for grants which would eliminate the need for the Grants Coordinator position that is currently frozen.
  - The Town has received the most grants it ever has in this fiscal year.
  - The sharing of knowledge on how to apply for grants would benefit everyone.

Vice-Mayor Walter inquired as to what the temporary Captain position was in the Fire Department.

Mr. Montoya stated that several years ago, the Fire Chief was reassigned as Captain due to internal issues within the Department. The position was created to resolve the

conflict. He stated that in a few weeks, a current Shift Captain will leave the Department. The individual holding the temporary position has been notified that they will be assigned to the soon-to-be vacant Shift Captain's position.

Vice-Mayor Walter inquired as to why there are currently two people holding the Facility Management Manager position.

Mr. Montoya stated that the incumbent will be retiring in a few weeks and when that occurs there will only be one person holding the Facility Management Manager position.

Vice-Mayor Walter stated that she would not like to see property taxes increase. Those living in the northern part of Florence have identified that over half of the budget overage is for the operations of the library and aquatic center. If that expense were not included, the budget overage would be much more manageable. She also inquired as to what the cemetery donation is.

Mr. Farina stated that Mr. Morris Taylor, Public Works Superintendent, notified him that the Town will receive a \$10,000 donation for the expansion of plots in the cemetery. He stated that the budget reflects the donation and the expenditure for this project.

Vice-Mayor Walter inquired as to who would be making the donation.

Mr. Wayne Costa, Public Works Director, stated that there will be a presentation in July 2015 regarding this donation.

Mayor Rankin stated that he would like to see a recreational center built for the Town providing indoor facilities for various sports, dances and other community events.

Councilmember Hawkins stated that he believes the Town has done a lot for the community with the building of the new library and aquatic center.

Mayor Rankin stated that he believes the Town is still being too conservative to sustain the growth and progression that the Town is experiencing. He stated that more retail sales are coming and will leave as the population is not able to sustain their business. He stated that there will be more roads to maintain, as well as working with developers that are building along Hunt Highway to ensure the infrastructure can sustain the population. He stated that Council and Town staff must be fiscally responsible in the upcoming years and fulfill the obligation to the voters that have entrusted Council with the business of the Town.

Mayor Rankin inquired if Councilmember Guilin and Councilmember Anderson are good with the draft budget that is being presented.

Councilmember Guilin stated that Council will need to move forward with the budget as it is now but must monitor all expenses, continue to look for revenues, and at the end of the year, bring in a balanced budget.



Councilmember Hawkins stated that the Town has a population of 9,000 not including the prisoners but the budget is being built like the prisoners are included. He stated that the Town needs to run within its revenue limitations. He stated that Council does not know what it is going to take to operate and maintain the new buildings the Town has built or is building now and that nothing else should be built until this issue is realized and properly afforded in the budget without tapping into the fund balance.

Councilmember Guilin stated that she understands Mayor Rankin's vision but it will have to be postponed. She stated that the projects currently under construction should not have been paid for in cash, but with partial cash and with revenue bonds, as there was no fiscal planning for the future which depleted much of the Town's cash assets.

Councilmember Anderson stated that he agrees with Councilmember Guilin and wants to challenge all staff members to look for cost-savings and to work more efficient as there will be financial obstacles in the future that will need to be overcome so that the Town can continue to grow.

Mayor Rankin stated that he believes the Town has spent within their means or slightly over; however, the revenues are not where they were projected. He stated that the Department Heads have done a great job putting the draft budget together, cutting costs and streamlining expenses.

Councilmember Anderson inquired what is included in the Parks and Recreation donation line item of \$25,800.

Mr. Farina stated that the \$25,800 is donations that have been received but not yet spent.

Mr. Montoya inquired if Council is accepting of including \$40,000 back into the Fire Department's budget for the part-time salaries.

Mayor Rankin inquired as to why these funds were needed.

Mr. David Strayer, Interim Fire Chief, stated that he was asked to reduce overtime in the department without sacrificing service. He stated that OSHA Requirement No. 1710 states that if there is a structure fire, there must be one firefighter outside of the structure for every fireman that goes into the structure. He stated that the crew size was reduced to three at Station No. 2. If a structure fire were to occur in their area, the crew would have to wait for a second engine to arrive before entering a structure fire, which could be a minimal delay of 12 minutes depending if the engine from Station No. 1 were available. He stated that if the funds can be placed back into the budget, proper staffing of the shift crew can be obtained when leave is occurring by bumping up crewmembers that are crossed trained to fill positions and backfill with part-time crew members. He stated this processes will not totally eliminate overtime but it will reduce it without impacting service.

Mr. Montoya stated that the SAFER Grant the Town received was to ensure a four person crew on each shift at Fire Station No. 2. He stated that, in recent months, there have been times where the crew has only had three members which could work against the Town when it applies to have the grant extended.

Mayor Rankin inquired when the SAFER Grant will expire.

Vice-Mayor Walter stated the SAFER Grant expires in March 2016.

Mayor Rankin inquired as to when the Town will experience additional payroll if the SAFER Grant is not extended.

Mr. Montoya stated that the draft budget reflects a \$40,000 increase to the Fire Department budget for the payroll of the three crew members that are currently funded through the SAFER Grant. He stated that the funds would start in April 2016 through June 2016 if the Grant is not extended.

Councilmember Woolridge inquired if there is an option to cover open shifts by a change in scheduling.

Chief Strayer stated that the Fire Department's staffing policies are currently being reviewed and revised to address and minimize the number of crew members that can be on leave at a given time and the crew duty rotation regarding the number of consecutive days the crew is on shift and off shift.

Councilmember Guilin inquired if the revisions include Fire and Emergency Medical Technician (EMT) services. She also inquired as to how many structure fires the Department experienced in the last year.

Chief Strayer stated that the review and revisions cover all services provided by the Fire Department. He stated that he would have to follow up with Council regarding the number of structure fires the Department has experienced in the last year.

Councilmember Guilin inquired if the fourth man on a crew is only required for a fire.

Chief Strayer stated that the fourth man on the crew is for fire and hazmat incidences.

Vice-Mayor Walter stated that it is her understanding that the crew is on a 212 hour rotation and inquired if there is a better way to structure the on-duty shifts that would be more advantageous for the crew members to not take time off during a scheduled shift.

Chief Strayer stated that the current Labor of Standards Act stipulates the 212 hour 28-day cycle and that he is not sure there is any latitude in the Act. He would need to review the Act with the Town's Human Resources Department to determine if any modifications can be made.

Vice-Mayor Walter stated that she is aware that the Town's implementation of the Labor of Standards Act is unique in comparison to other cities and Towns in the Valley.

Chief Strayer stated that there is latitude in the way a municipality implements the Act and would look at what options the Town may have with the Human Resource Department.

Mr. Scott Barber, Human Resource Director, stated that the Town of Florence selected the current work schedule several years ago, which is typical for most municipalities. The 212 hours 28-day cycle takes into account leave time before overtime is calculated. He stated that selecting a different type of work schedule may or may not impact the bottom line cost. Options can be reviewed to determine if there are any cost-saving alternatives.

Councilmember Hawkins stated that he believes the Fire Department is being run based on a population of 25,000 instead of 9,000 and does not believe the fire trucks should be responding to a medical emergency with a crew of four when an EMT crew of two would be able to handle the situation with assistance of Southwest Ambulance. He stated the Town has a brand new ambulance that has been sitting unused for six years that could be used for medical situations and would allow for less mileage to be placed on the fire trucks. He stated it would be a better use of all assets in the Fire Department.

Vice-Mayor Walter stated that she agreed with Councilmember Hawkins and that if the Town would seek the Certificate of Necessity, the use of all resources would be a huge positive financial impact for the community and increase services that could be provided to the residents. She stated that until Fire Station No. 2 was built, the residents in the far northern part of Town were paying higher insurance premiums as the area was classified as a nine due to the bridges used to get to that part of Town. She stated now that the station has been built and fully staffed, her insurance has been reduced drastically and she would not want to see any changes to the Fire Department that would financially impact the residents in the area.

Councilmember Hawkins stated that he too would not want to see any changes to service that would impact any residents. He stated that he would like to see all assets of the Fire Department be utilized to minimize costs and to be as efficient as possible.

Vice-Mayor Walter inquired if obtaining the Certificate of Necessity is being addressed at the current time.

Mayor Rankin stated what needs to happen is to have Council review the employment policies of the Fire Department and make sure the department is working as efficient as possible without sacrificing services. He stated that the Certificate of Necessity is very expensive and not sure the cost would provide a true savings. He stated that he was not in favor of reducing the number of responders to a medical call based on his own

medical experience which required many crew members to keep him alive. He stated that he has great respect for the firefighters who are the first responders who will determine if ambulance services are needed and will provide services that ambulance staff is not able to. He stated that a majority of the medical calls received are from the prisons.

Mr. Montoya stated that the Fire Department, specifically at Fire Station No. 1, is responding to medical calls first with the Transitional Response Vehicle (TRV) which is a transitional response vehicle for any medical calls out of Fire Station No. 1. He stated that because of the weight limit on the bridge going into the prisons, the engine would have to go the long way and the TRV can take the shorter route. He stated that staff has looked at obtaining the Certificate of Necessity but due to the expenditure limitation, the cost would adversely affect the bottom line as the certificate would require bringing online more vehicles and more firefighters.

Mayor Rankin stated that when you have a local hospital, it is advantageous to have the Certificate of Necessity for the residents but there are insurance issues with the hospital that is also hindering the justification of the cost of the certificate. He stated that if the Town takes over the ambulance services for the Town, you must operate with multiple vehicles to ensure services are available for all calls.

Councilmember Hawkins stated that he is concerned that the million-dollar trucks are being worn out at a higher rate than needed due to being used for medical calls.

Mayor Rankin inquired if all members of Council were in agreement with adding the \$40,000 back into the Fire Department budget.

Councilmember Anderson stated that he was in agreement with adding the funds back into the Fire Department budget.

Councilmember Guilin inquired if the \$40,000 will be used if the SAFER Grant is not extended or is it needed payroll that will not be affected by the status of the grant.

Chief Strayer stated that when a position on a shift is open the first option would be to move up a qualified crew member already on shift to cover. Once all moves have been made to cover the shift opening, the schedule will be backfilled by a qualified part-time crew member. He stated that this process should result in a savings of three to one for each dollar spent.

Councilmember Guilin stated that she was okay with the funds being placed back into the budget as long as the savings is three to one.

Chief Strayer stated that it is the intent to not spend the entire amount if at all possible.

Mayor Rankin asked for an agreement from Council to request staff to add the funds back into the budget.

Vice-Mayor Walter inquired that if the funds are placed back into the budget, that the budget amount would then be \$200,000.

Chief Strayer stated that the additional funds would restore the dollar amount to its original funding level.

Councilmember Guilin inquired if the anticipated overtime budget line item would be reduced to compensate for the increase in the part-time salary budget.

Councilmember Woolridge and Councilmember Hawkins agreed with Councilmember Guilin.

Councilmember Guilin noted that in review of the 2013/2014 payroll actuals, overtime was at \$92,890 and part-time salaries were \$82,463. She stated in the current fiscal year, overtime is at \$108,000 and part-time salaries are \$16,000. She inquired how a savings of three to one would be accomplished without hindering services.

Chief Strayer stated that the over-time budget will be very tight as \$120,000 is per the Fair Labor Standards Act (FSLA) and there is no reducing that number. He stated that the remaining \$80,000 will barely cover sick and vacation leave. The use of backfilling shift openings with qualified part-time crew members is an effort to alleviate the demand on overtime dollars.

Councilmember Guilin inquired where in the budget the savings is being reflected.

Mr. Farina stated that the budget does not reflect the savings at this time.

Mr. Montoya inquired of Chief Strayer if the Fire Department received the additional \$40,000 in part-time salaries than the goal will be to spend less than what is being anticipated in overtime salaries.

Chief Strayer stated that he is trying to reduce overtime by supplementing covering of open shifts with part-time crew members.

Councilmember Guilin inquired if the \$40,000 is additional to what has been budgeted in hopes that it will reduce overtime even more.

Mr. Farina stated that overtime has already been cut and the \$40,000 in part-time salaries would be an addition to allow for proper staffing during crew leave.

Chief Strayer confirmed Mr. Farina's statement to be correct.

Councilmember Hawkins inquired as to why there is such a drastic difference in part-time salaries between stations and from one year to the next.

Mr. Farina stated that he developed the projected numbers from historical expenditure data.

Mr. Montoya explained that the change in part-time salaries at Station No. 1 was due to the use of the TRV at Station No. 1 in late 2013/2014 and early 2014/2015 that was staffed with part-time crew members, alleviating the use of the engine for medical calls. He stated that there are not enough full-time crew members to staff the TRV without incurring overtime.

Councilmember Hawkins inquired as to why full-time crew members who are on shift could not take the TRV calls as well.

Mr. Montoya stated that the TRV is the first to respond to a medical call at the prisons. The engine at Station No. 1 is then in line for the next call to come in whether it is medical or fire.

Mayor Rankin inquired if there will be a savings in overtime if the \$40,000 is placed into part-time salaries.

Chief Strayer stated that this will be a new process for the Department but he is confident a savings would be realized.

Councilmember Anderson recommended postponing the decision on the \$40,000 increase until the next work session to allow staff to pull together additional information on how savings will be realized.

Mayor Rankin inquired if staff could develop statistical information.

Councilmember Hawkins requested that the information include statistical data on call history by area, by medical calls and by station.

Mr. Mark Eckhoff, Community Development Director, stated that for the past six months the Community Development Department has been operating with one Senior Building Inspector. Prior to that, the Department had struggled to keep the Building Inspector positions filled. He stated that the Town has local and State statutory requirements that requires plan reviews and inspections to be completed within a certain amount of time. He explained the workload of the Building Inspector and the level of service that the customers have come to expect. Much of the service provided keeps the Building Inspector out in the field and leaves the office without a Certified Building Inspector to answer the technical questions that are received. He stated that the Department has struggled to maintain the level of service that is expected with only one Certified Inspector. When the Department had two inspectors; it was able to be proactive with code compliance throughout the Town.

Mr. Eckhoff stated that a recommendation is being made to help offset the expense of a second inspector by sharing administrative staff with the Engineering Department that is

moving into the Community Development building. It will also reduce the professional services line item as the need to outsource plan reviews and inspections would be reduced with a second inspector. He stated that the Department has not operated with a single inspector in nine years and geographically, the size of the Town has created a physical challenge to keep covered.

Mayor Rankin inquired how many new home permits have been issued this year.

Mr. Eckhoff stated that the Department is averaging 20 new home permits a month. He stated that the inspector is very busy with small projects on homes, solar permits in the Anthem area, gas line inspections, pool inspections, and home additions. There has been a lot of activity in the downtown area including the work being done at Territory Square and various tenant projects.

Mayor Rankin inquired if having a second inspector would eliminate the use of outside professional services for the review of plans and project inspections?

Mr. Eckhoff stated that is the goal is to only use outside professional services when absolutely necessary. He stated that the use of Town staff creates efficiency and relationships that are established with familiarity of the customers that the Department is working with, the scenery of where the project is being done and the development history of the area.

Mayor Rankin inquired as to the financial wash that would be experienced by sharing administrative staff with the Engineering Department.

Mr. Eckhoff stated that the two departments would share administrative staff which would alleviate the need to hire an Administrative Assistant for the Engineering Department and cover a portion of the second inspector's salary with the remaining balance being covered by the reduction of the professional services line item.

Mayor Rankin inquired which department the Administrative Assistant would be under.

Mr. Eckhoff stated that the Administrative Assistant would be a Community Development employee as they will be in the front of the Department assisting the citizens who come to the office.

Mayor Rankin inquired if Mr. Costa was comfortable with the administrative plan between the two departments.

Mr. Wayne Costa, Public Works Director, stated that he was comfortable with the sharing of the Administrative Assistant so long as there is some control over the position to ensure contracts and relationships are managed correctly with other departments and municipalities.

Mayor Rankin stated that it would be something for the Department Heads to coordinate and workout the specific duties of the Administrative Assistant.

Councilmember Guilin inquired as to what the salary would be for the shared Administrative Assistant.

Mr. Costa stated the position is at pay scale 30 per Town policy. He stated originally the position was paid out through three departments; 10% engineering, 25% HURF fund and the remainder in water and sewer. He stated the position would have to be reallocated according to the change.

Councilmember Guilin inquired what the full cost would be for a second inspector.

Ms. Garcia stated that the original departmental consolidation plan that Council previously approved stated that the Administrative Assistant for the Engineering Department would be filled by an individual at the Public Works Department. She stated that the change that is being recommended is to not bring over a staff member from Public Works and to share an existing staff member that is already in place at Community Development. She stated that payroll dollars would then be reallocated to the correct departments based on the volume of work the position would be doing for each department. She stated that staff can bring back to Council at the next work session the allocation plan for the Administrative Assistant position.

Councilmember Anderson stated the inspector position is a frozen position at this time at a cost savings of \$56,400.

Mr. Eckhoff stated that Councilmember Anderson was correct and through recent discussions between departments the ability to share a staff member came to fruition and is being recommended to Council.

Councilmember Anderson inquired if there was an actual increase to the budget with the recommendation or just reallocation of funds from one account to another.

Mr. Eckhoff stated that Councilmember Anderson was correct that the proposal does not add funding to the budget; it is requesting reallocation of funds from one account to another.

Councilmember Guilin inquired if a second full-time inspector is needed.

Mr. Eckhoff stated that historically both inspectors have been full-time. He stated if funding does not permit the hiring of a second full-time inspector, then alternatives will be looked at but it would hinder the Department in accomplishing the goals and it may not experience the cost savings it is hoping to do with the current proposal. He stated during the slower months, the Department works on code compliance issues, plan reviews and administrative duties that need to be completed.



Councilmember Anderson inquired as to how many inspections are done on a yearly basis.

Mr. Eckhoff stated that the Department provides on a monthly basis the number of permits that are pulled and what inspection have been done in the monthly report.

Mayor Rankin stated that he would be supportive of hiring a second inspector if the position can be justified.

Mayor Rankin asked that the funds be placed back into the draft budget and that staff provide the charging breakout for the shared administrative position.

Mr. Montoya stated that the current draft budget does not reflect the \$500,000 the current budget has set aside for the annexation should it go through.

Mayor Rankin stated that Council should budget for the possibility of the annexation to go through and if the annexation does not go through, then the funds will remain unexpended.

Vice-Mayor Walter inquired if there was a way to include the funding, if needed, without impacting the proposed budget.

Mayor Rankin stated that there really is no alternative, if the annexation goes through, the Town will be obligated to provide the services to those areas.

Mr. Montoya stated that services would include police and fire which would require additional staffing.

Mayor Rankin stated that the judge has not made his ruling on the annexation case so at this point Council and staff can only anticipate what the cost of services will be.

Vice-Mayor Walter inquired if the expense could be bonded.

Councilmember Guilin stated that salary expenses for police and fire cannot be bonded.

Councilmember Anderson inquired how many additional staff would be hired if the Town does not have the equipment.

Mr. Montoya stated that the TRV would be moved into full-time usage, the ambulance would be placed into service most likely in the Anthem area. He stated that the presentation that was given to Council in 2013 did not plan for a new fire station to be built for three to four years after the annexation was completed.

Vice-Mayor Walter inquired as to how staff plans to service the annexation area with the current staffing levels of the Fire Department.

Chief Strayer stated that Station No. 2 would be able to properly service the annexation area.

Mr. Montoya stated that the original plan for the annexation was to review the call volume for the annexation area for several months to determine if a staffing increase would be necessary to properly service the area.

Vice-Mayor Walter stated that police resources would definitely need to be increased.

Mr. Daniel Hughes, Police Chief, stated that the department would reallocate resources and adjust shift staffing to cover the new area. He stated that call volume will dictate if additional staffing will be needed but he is confident the department can handle the area without an increase at this time. He stated that the County considers the area a high volume call area but he believes with strong crime prevention the volume can be reduced.

Vice-Mayor Walter stated that she would like to see the budget reflect the salaries and resources that would be needed if the annexation goes through to ensure proper service levels.

Mr. Montoya stated that in previous conversations regarding the annexation, it was determined that a second engine would run out of Station No. 2 to assist with the call volume.

Mayor Rankin recommended placing the funds in the Council budget to allow Council to monitor the funds if utilized for the annexation area.

Councilmember Guilin inquired what the \$500,000 would be used for.

Mr. Montoya stated that a portion of the funds would be for life, health and safety needs for the area including roadway issues and signage.

Councilmember Guilin stated that she would like clarification as it is her understanding that no additional staffing would be needed to service the annexation areas.

Vice-Mayor Walter stated that it is her understanding after speaking with Chief Hughes that additional police officers and a dispatcher might be needed to properly cover the annexation area. She stated that those positions are frozen at this time and it might be more economical to hire those positions rather than incur overtime.

Councilmember Guilin inquired if additional staff would be needed to cover the annexation areas.

Chief Hughes stated that the Town is currently divided up into three beats and if the annexation goes through a fourth beat would be created. The beats would be staffed with either one officer in each beat or by combining beats during a shift if full staffing is

not available. He stated it is his goal to not have to hire more officers at this time. He stated that for dispatch operations, staffing has been a challenge and he is concerned with the volume of overtime that is being utilized to keep dispatch operations covered.

Mr. Farina stated that he would suggest bringing back, at the next work session, the fiscal numbers from the impact study that was done for the annexation to allow a review of the projected financial impact the new areas will have on various departments. He stated that the study will also show the revenue the Town will experience that will assist in offsetting the expenses.

Mayor Rankin requested that the information be separated by each annexation area.

Mr. Farina stated that it would be Arizona Farms and Magic Ranch.

Vice-Mayor Walter inquired as to when the population numbers for the Town would reflect the annexation if it goes through.

Mr. Montoya stated that the next census is being done this year. 2015.

Mayor Rankin stated that the Town would most likely not see any financial reimbursement from the State until 2020.

Mr. Eckhoff stated that there is another process that can be done that would allow the addition of population based on prior census information.

Mayor Rankin stated that he was not aware of this process.

Mr. Eckhoff stated that this is the mechanism that staff was going to utilize if the annexation was passed.

Mayor Rankin stated that he would like to discuss long range financial planning and capital improvement planning.

Mr. Montoya stated that staff is recommending that a long range financial plan be developed and update the capital improvement timeline as many items have been pushed off year after year. Staff will provide Council with a recommendation on how to approach the utility rate study. He stated that the last item staff needs direction on is if Council would like to move forward with the 3% stipend for staff.

Councilmember Anderson stated that he would recommend selectively eliminating stipends maybe with department heads that are paid at a higher rate to not penalize the employees.

Vice-Mayor Walter stated that in the past staff received a merit increase then most recently department heads received a stipend and now we are looking at everyone receiving the stipend which would not count towards retirement funds.

Mr. Montoya stated that he utilized the stipend with the department heads last year to aid in not adding to the budget in light of the expenditure limitations the Town was facing. He stated that the recommendation from staff is to use stipends for all employees this year which would be at a cost of \$340,000, which would not compound year over year. The stipend will be given at the employee's anniversary date.

Mayor Rankin recommended that the 3% stipend be distributed towards the end of the fiscal year and if the employee should leave the Town prior to the distribution date, the amount they receive would be prorated.

Ms. Garcia stated that current process has merit increases reviewed and determined at the employee's anniversary date which is staggered throughout the year. She stated that staff can provide Council with a monthly overview of how many yearly reviews are completed each month. She stated that the Human Resources (HR) Director can review the part-time pay scale and make recommendation how to adjust to fix compression and improve the scale going forward when the Town is fiscally able to. She stated that the HR Director has already created a preliminary report that addresses these concerns and would provide this information to Council.

Mayor Rankin inquired if Ms. Garcia was speaking to an employee's yearly evaluation.

Ms. Garcia stated that she was speaking to the employee's yearly evaluation when their supervisor sits down with them and reviews how well they have done over the last year and at that time would receive the stipend.

Mayor Rankin inquired as to why the stipend process could not be done at the same time for all employees as he believes this would be a cleaner accounting process.

Councilmember Guilin stated that the process that Mayor Rankin is recommending would be unfair to the employees, as was in previous years. She stated that the approach was used and some employees, based on their anniversary cycle, had to wait two years to receive any type of merit funding.

Mr. Barber stated that a stipend payment is still considered a wage payment and as such the employee is not compromised as the funds are still subject to retirement savings and calculations.

Vice-Mayor Walter stated that she wanted to emphasize that with a stipend program, the funds will not compound year over year.

Mr. Barber stated that Vice-Mayor Walter was correct.

Councilmember Wall inquired as to what a merit raise stipend is.

Mr. Montoya stated that each employee will go through the review processes and at that time would receive the stipend based on performance.

Mr. Barber stated that the salary increase program is merit based that looks at the position the staff member holds, their tenure with the Town and the predetermined salary range the Town has developed for that position.

Mr. Montoya stated that the 3% merit stipend would be awarded to a staff member after their annual review on their anniversary date.

Mayor Rankin stated that he believes staff deserves the stipend and hopes funding will permit for it.

Councilmember Guilin inquired if the budget process is being completed on time to allow for the adoption of the property tax as required.

Mr. Farina stated that he would double check the time line but is fairly certain the adoption schedule is in compliance with the State Statute.

Ms. Garcia stated that once the Council adopts the tentative budget, it will still have an opportunity to hold meetings regarding the budget apply additional cuts, if needed, and hold public hearings. She stated the only thing Council cannot not do is exceed the tentative budget when approving the final budget.

Vice-Mayor Walter disagreed with Ms. Garcia as the work session was the first opportunity Council as a whole has had an opportunity to discuss and review the entire proposed budget.

Ms. Garcia stated the budget schedule adheres to the Truth-in-Taxation notification scheduled as long as Council adopts a tentative budget. She stated that with the departure of the Finance Director on July 3, 2015, the schedule that has been planned will allow for Mr. Farina to notice the meetings and adhere to the Statute requirements prior to his departure date.

Vice-Mayor Walter stated that based on the requirements, Council will then have a Work Session on June 18, 2015, Special Meeting on June 29, 2015, and final adoption of the budget on July 6, 2015.

Mayor Rankin asked that a meeting schedule be distributed to all Council members as soon as possible including starting times.

Councilmember Anderson inquired as to when a public hearing will be scheduled regarding the budget.

Ms. Garcia stated that there will be a public hearing scheduled prior to the approval of the final budget.

Councilmember Hawkins stated that he read in the Florence Dispatch that the City of Casa Grande is behind in their State Retirement payments by \$35,700,000. He stated that he has also learned that most cities and towns in Arizona are behind in their payments included the Town of Florence. He stated that he would recommend looking at the retirement program offered to employees and possibly go with a different program moving forward with new employees.

Mr. Barber stated that he has served as a representative of the League of Cities and Towns on a task force to create recommendations regarding the State Retirement Program and the task force is recommending a new program that if adopted could go into effect in July 2016 at the next legislative session. He stated that for the two departments within the Town of Florence that participate in this particular program; police and fire, one department is \$500,000 in the red and the other is \$500,000 in the black.

Vice-Mayor Walter stated that she would like to correct her dates as the special meeting of Council would be June 22, 2015, not June 29, 2015.

### **CALL TO THE COUNCIL**

Vice-Mayor Walter thanked Councilmembers Guilin and Anderson for their work with the Budget Committee. She stated that she would like to see Council work closer together and with staff creating goals and planning for the future.

Mayor Rankin thanked the staff for their work on the budget and encouraged everyone to work together to stay on budget and build up the General Fund now that many projects have been completed throughout the Town.

### **ADJOURN TO EXECUTIVE SESSION**

**An Executive Session will be held during the Council Meeting for the following, pursuant to A.R.S. Section 38-431.03(A)(1):**

- a. Evaluation of the Town Manager.**
- b. Town Council appointee updates. Various appointed positions for the Town are open. The Town Council will be discussing appointments involving the following Town positions: Town Attorney; Town Magistrate.**

On motion of Vice-Mayor Walter, seconded by Councilmember Hawkins, and carried to adjourn to Executive Session.

### **ADJOURNMENT FROM EXECUTIVE SESSION**

On motion of Councilmember Anderson, seconded by Councilmember Guilin, and carried to adjourn from Executive Session.

### **ADJOURNMENT**

On motion of Vice-Mayor Walter, seconded by Councilmember Anderson, and carried to adjourn the meeting at 9:30 pm.

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Tom J. Rankin, Mayor

**ATTEST:**

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Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on June 10, 2015, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Town Clerk

**MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, JUNE 15, 2015, AT 6:00 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Mayor Rankin called the meeting to order at 6:06 pm.

**ROLL CALL:**

Present: Rankin, Woolridge, Hawkins, Guilin, Anderson, Wall  
Absent: Walter

**MOMENT OF SILENCE**

Mayor Rankin called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Mayor Rankin led the Pledge of Allegiance.

**CALL TO THE PUBLIC**

**Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.**

There were no comments.

**PUBLIC HEARINGS AND PRESENTATIONS**

**Public hearing on an application received from Andrea Dahlman Lewkowitz, Safeway, Inc., located at 3325 N. Hunt Highway, Florence, Arizona, for an application for acquisition of control with the Arizona Department of Liquor Licenses and Control; and for Council recommendation for approval or disapproval of said license.**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, stated that the Clerk's Office posted the Notice of Public Hearing on May 22, 2015 at Safeway #2835 located at 3325 N. Hunt Highway according to statutory requirements. She stated that Town staff has not received any written communication regarding the application and staff recommends a favorable recommendation to the Arizona Department of Liquor License and Control.



Ms. Garcia stated that this item and the next item on the agenda are for the same location, one is for the store and the other is for the service station.

Mayor Rankin opened the public hearing. There were not comments. Mayor Rankin closed the public hearing.

On motion of Councilmember Guilin, seconded by Councilmember Anderson, and carried to approve the application received from Andrea Dahlman Lewkowitz, Safeway, Inc., located at 3325 N. Hunt Highway, Florence, Arizona, for an application for acquisition of control.

**Public hearing on an application received from Andrea Dahlman Lewkowitz, Safeway, Inc., located at 3313 N. Hunt Highway, Florence, Arizona, for an application for acquisition of control with the Arizona Department of Liquor Licenses and Control; and for Council recommendation for approval or disapproval of said license.**

Mayor Rankin opened the public hearing. There were no comments. Mayor Rankin closed the public hearing.

On motion of Councilmember Guilin, seconded by Councilmember Hawkins, and carried to approve the application received from Andrea Dahlman Lewkowitz, Safeway, Inc., located at 3313 N. Hunt Highway, Florence, Arizona, for an application for acquisition of control.

**Presentation by the Greater Florence Chamber of Commerce recognizing McDonald's at Merrill Ranch as the Business of the Month.**

Ms. Shawn Gibson, Membership Marketing Coordinator, Greater Florence Chamber of Commerce, recognized McDonald's at Merrill Ranch for their continued support of the Florence community including McTeacher Night for the Florence Unified School District (FUSD), contributing to different events throughout the community and for their support of the Greater Florence Chamber of Commerce.

Mr. Kyle Hollowell, Manager, accepted the award on behalf of McDonald's at Merrill Ranch, stating that it has been a pleasure working with the Town, FUSD, and the Greater Florence Chamber of Commerce. He stated that Florence is a small Town with a family environment that supports one another and the McDonald's at Merrill Ranch team is proud to be a part of the community.

Mayor Rankin thanked Ms. Gibson for attending the Pinal Partnership meeting and for representing Florence on his behalf as he was not able to attend.

**Retirement Award presented to Carroll Michael, Facilities Manager, for 10 years of dedicated service.**

Mayor Rankin present to Mr. Carroll Michael, Facilities Manager, the retirement award for his 10 years of service to the Town. He stated that Mr. Carroll had been with the Town since 2005 serving as a Building Inspector, Senior Building Inspector, and then as the Town's Facilities Manager. He stated that Mr. Michael has been a friendly and helpful member of staff performing his duties in a positive manner. He wished Mr. Michael all the best in his retirement.

Mr. Carroll Michael, Facilities Manager, thanked the Town and its staff for a fantastic 10 years and for giving him the opportunity to do what he enjoys.

**Years of Service Award presented to Maria Hernandez, for 20 years of dedicated service.**

Mayor Rankin presented to Ms. Maria Hernandez, Deputy Town Clerk, a 20 year service award and stated that Ms. Hernandez joined the Town's staff as an Accounting Clerk in the Finance Department. She then transferred to the Public Works Department where she worked for many years. She then transferred to the Clerk's office in 2007 as the Deputy Town Clerk, where she has assisted many Councilmembers throughout the years. He thanked Ms. Hernandez for her service to the Town and for making a difference.

Ms. Hernandez thanked the Town and Council for the opportunity to work for the community that she loves so much. She said it has been a pleasure to work under the direction of Past Finance Director Becki Guilin, Past Public Works Director Pat Granillo and Past Town Manager Himanshu Patel, as well as Mr. Wayne Costa, Public Works Director, Lisa Garcia, Deputy Town Manager, and Charles Montoya, Town Manager.

**CONSENT: All items on the consent agenda will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.**

- a. **Approval of Task Order No. 2 with Baxter Design Group, LLC, for design services for the Turner Subdivision Phase 1 Project, in an amount not to exceed \$46,500.**
- b. **Authorization to enter into an Intergovernmental Agreement with Arizona Department of Revenue related to Uniform Administration of the Town's Transaction Privilege Tax.**
- c. **Ratification of Change Order Nos. 3 through 13, with Sun Western Contractors, for a total of \$31,368.95, for a total project cost not to exceed \$1,641,242.48.**
- d. **Adoption of Resolution No. 1526-15:**

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Resolution No. 1526-15 by title only.

**A RESOLUTION OF TOWN OF FLORENCE, PINAL COUNTY, ARIZONA APPROVING AND AUTHORIZING MAYOR TOM J. RANKIN, TOWN MANAGER CHARLES A. MONTOYA AND INTERIM FINANCE DIRECTOR MARCIA GOERDT TO ACT AS SIGNATORIES FOR THE TRANSACTION OF BUSINESS ON THE TOWN OF FLORENCE BANKING ACCOUNTS, AND DECLARING AN EMERGENCY.**

- e. Approval of the May 4, and May 18, 2015 Town Council minutes.**
- f. Receive and file the following board and commission minutes:**
  - i. March 31, 2015 Historic District Advisory Commission minutes.**
  - ii. March 18, 2015 Joint Use Library Advisory Board minutes.**
  - iii. January 22, 2015 Parks and Recreation Advisory Board minutes**

Ms. Garcia stated that a modification needed to occur for Consent Agenda item 7d; Interim Finance Director should be Finance Manager.

On motion of Councilmember Woolridge, seconded by Councilmember Wall, and carried to approve the Consent Agenda, as written, with the exception of items 7c. and 7e.

- c. Ratification of Change Order Nos. 3 through 13, with Sun Western Contractors, for a total of \$31,368.95, for a total project cost not to exceed \$1,641,242.48.**

Councilmember Anderson inquired as to why projects are consistently requiring change orders when the contract states a not to exceed amount. He stated that he would like to see contingency funds placed into contacts to address unforeseen issues to eliminate change orders.

Mayor Rankin agreed with Councilmember Anderson and stated that it will be imperative that contracts be held to the amount they are approved for in Fiscal Year 2015/2016.

Mr. John Mitchell, Utilities Director, stated that moving forward all contracts will contain a contingency amount to cover unforeseen issues. Projects will receive approval prior to them being started. He stated that staff was relying on the purchasing policy which allows the Town Manager to approve purchases up to \$24,999 and did not realize that if the purchase was connected to a contract that was approved by Council, the additional requested funds needed to have Council's approval as well.

Mayor Rankin stated that Council understands when emergencies arise work needs to occur to correct the emergency. He stated that with normal contracted work, staff needs to hold the contractor accountable to their bid amount of the project, as well as any professional service providers that were used to assist in writing the RFP to ensure all aspects of the project are reflected in the request.

Councilmember Wall inquired if all work had been completed on Well 3B and if there would be any more change orders.

Mr. Mitchell stated all work on Well 3B has been completed with no additional change orders coming at a later date.

Councilmember Hawkins stated that on construction contracts, change orders are usually items that have come up that are above and beyond what is included in the contract. He stated that he believes that those who are writing the RFPs are not being thorough in their work and need to be held accountable for not properly researching or performing in-depth planning for a project that properly states the scope of work and the detailed product list for that project.

Mr. Mitchell stated that before a project is put out for bid, a complete set of design plans are obtained with engineering approval that provides the specification list and engineers' cost estimate. He stated that Well 3B was a very sophisticated project that had many nuances that could only be speculated. He stated that this particular contract actually experienced a savings in certain areas.

Mayor Rankin inquired as to how much savings was experienced with the Well 3B project.

Mr. Mitchell stated approximately \$18,000 was saved through a deduct change order process.

Ms. Garcia explained when Council approves a contract with a do not exceed amount, Council retains control of that contract and if even a \$1.00 is spent over the approved amount, the contract needs to be brought back to Council for approval of the additional amount. She stated if Council approves a contract giving the Town Manager signing authority, the Manager has authority to sign change orders that reduce the approved amount but if the contract is going to go over the approved amount, the contract must go back to Council for approval.

On motion of Councilmember Anderson, seconded by Councilmember Guilin, and carried for ratification of Change Order Nos. 3 through 13, with Sun Western Contractors, for a total of \$31,368.95, for a total project cost not to exceed \$1,641,242.48.

**e. Approval of the May 18, 2015 Town Council minutes.**

Councilmember Wall noted three minor changes that needed to be made to the Town Council minutes of May 18, 2015.

On motion of Councilmember Wall, seconded by Councilmember Guilin, and carried to approve the May 18, 2015 Town Council minutes, with corrections.

## **NEW BUSINESS**

Ms. Lisa Garcia read Resolution No. 1522-15 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, GRANTING APPROVAL TO THE ISSUANCE OF ONE OR MORE SERIES OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FLORENCE, INC. TAX-EXEMPT AND/OR TAXABLE EDUCATION REVENUE BONDS (MOHAVE ACCELERATED LEARNING CENTER SCHOOLS), SERIES 2015, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,650,000 TO FINANCE THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF EDUCATIONAL FACILITIES FOR MOHAVE ACCELERATED LEARNING CENTER AND MOHAVE ACCELERATED ELEMENTARY SCHOOL, INC.**

Ms. Jennifer Evans, Management Analyst, stated that the Mohave Accelerated Learning Center owns and operates a charter school serving approximately 400 students in grades 6<sup>th</sup> through 12<sup>th</sup> on the Main Campus and an additional 180 students in grades K through 8 on their Main Campus and their East Campus. She stated that the \$1,650,000 in bonds being requested would be for the acquisition, construction, renovation, improvement and equipment of the land and buildings at their school located in Bullhead City, Arizona.

Ms. Evans stated that the Town would not incur any liability in granting the approval of the issuance of the bonds through the Industrial Development Commission who would receive a \$3,000 application fee and a yearly administrative fee of seven basis points of the outstanding balance of the issue for the life of the bonds.

On motion of Councilmember Anderson, seconded by Councilmember Guilin, and carried to adopt Resolution No. 1522-15.

## **Discussion/Approval/Disapproval of directing staff on the Council's Policy decisions for filing of future annexations.**

Mr. Mark Eckhoff, Community Development Director, stated that the Town has had a robust annexation philosophy for several years, focusing on underdeveloped tracts that initially would have low service needs, but ultimately would offer notable economic development benefits for the Town. He stated that since much has changed over the past several months, staff believes it is prudent to reassess how it is to pursue future annexation proposals. He stated that some of the factors that are influencing the necessity to reevaluate are: new councilmembers, reduced revenue collections, current expenditure limitations, and a reduced capital budget.

Mr. Eckhoff stated that the Town is currently 62 square miles with a planning area of just under 200 square miles that the Town could potentially grow into. He stated that the Town has two pending annexations. The first being Magic Ranch which is four miles and the second being Arizona Farms which is 1.89 miles. He stated that per current policy, when an annexation request is presented to Community Development, staff will begin to research the request, speak with Pinal County and prepare necessary paperwork and file it with Pinal County prior to bringing the request for annexation to Council. He stated that staff is looking for a directive from Council as to how they would like to proceed with annexation requests: continue to pursue all reasonably viable annexations, bring all future annexation requests to the Town Council for direction before the filing of any new annexations, or not to file any new annexations until future direction is provided by Town Council.

Mayor Rankin stated that he would like to see staff continue to look at annexations for the betterment and growth of the Town.

Councilmember Woolridge agreed with Mayor Rankin but would like to see all annexation requests come before the Council prior to any paperwork being filed to determine if the Town can financially afford the services of the annexation area in light of current budget restraints.

Councilmembers Hawkins and Anderson agreed with Councilmember Woolridge.

Councilmember Wall inquired as to what the estimated cost are for an annexation.

Mr. Eckhoff stated that the size of the annexation area determines the costs along with various other factors including, but not limited to, the development of the legal description and map of the area, review of the request by legal staff, discussion with Police, Fire and Public Works to determine the service level the area will need and what the immediate and long term plan is for the annexation area.

Councilmember Anderson stated that he would like to see staff bring all annexation requests to Council for approval prior to any work being done.

Mayor Rankin inquired if Council was not already approving all annexation requests.

Ms. Garcia stated that approximately 10 years ago staff received direction from Council seated at that time to pursue all annexation requests which meant Council would not see a request until the time of a public hearing which is 10 days prior to the annexation being signed. She stated that staff would communicate with Council through their monthly reports and memos but would not formally bring an annexation to Council until the public hearing. She stated that staff would like to direction from Council if they would like to proceed as prior directive states or to modify that directive.

Mayor Rankin stated that Mr. Eckhoff would need to do some preparatory work to be able to present the pros and cons of the requested annexation.

Mr. Eckhoff stated that there would be some work involved in preparing an annexation request for Council but not to the depths that is required to file and properly pursue an annexation.

Councilmember Wall inquired as to what portion of the application process is completed by the applicant.

Mr. Eckhoff stated that if the Town initiates the annexation, the Town will be required to complete a majority of the work which has been the case in recent years. He stated if the community or landowner initiates the annexation then they are required to do a greater portion of the work.

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins, and carried to direct staff to bring all future annexation requests to the Town Council for direction before the filing of any new annexations.

### **Discussion on the Property Lease Policy**

Ms. Jennifer Evans, Management Analyst, stated that the Property Lease Policy provides guidance for leasing properties owned by the Town of Florence that are not currently required for municipal use, which would be the Silver King Marketplace and the Brunenkant Building. She stated that the draft policy contains relevant portions of the current Silver King Marketplace Lease Policy under sections 4.2, 5.3, and 5.8.

Ms. Evans stated that the Property Lease Policy allows for properties to be leased to a tenant for a specific use that is subject to the Town's General Plan, zoning ordinances, and other regulations. The drafted policy contains provisions that address tenant improvements, lease default, insurance, signage and performance standards. She stated that the Request for Proposal process will be used to lease a property evaluating the compatibility of the business with neighboring uses, the development plan and timetable for the space, the business plan, capital investment, experience of applicant financial capability, number of employees to be hired, proposed rental rate, and anticipated tax revenue that would be generated.

Ms. Evans stated that the Town is leasing the available properties at a reduced market rate in an effort to attract renters. Staff thought that once Padilla Park was completed the Town would see an influx of interest, but this has not been the case as two suites in the Silver King Marketplace remain open. She stated utilities are billed at a rate of \$0.61 per square foot (SF), but soon with the recent installation of separate utility meters for each suite, charges will be billed for actual usage. She stated that at the Silver King Marketplace, the Town is covering the cost of the common area around of the building and the fire suppression system.

Ms. Evans stated that the original plan for the Silver King Marketplace was to provide a business incubator space that assisted in nurturing businesses by providing training to new businesses, nurturing them to become self-sustaining. She stated that the tenants have been able to reduce their costs with the lower rental rate but she is not sure that the Town wants to continue with reduced lease pricing or increase it to the fair market rate.

Ms. Garcia inquired as to how many times Ms. Evans has advertised the vacancies in the buildings, what interest she had received from the advertising and what spaces are being shown to prospective tenants.

Ms. Evans stated that the building spaces are listed on several on-line commercial building lease sites as well as placing signs in the windows of the buildings. She stated that the economy is just starting to improve and she is seeing an increase in interest. She has shown the Brunenkant Building a couple of times and Suite 102 of the Silver King approximately four or five times with a prospective tenant.

Councilmember Hawkins inquired what the square footage is of the two large suites at the Silver King Marketplace.

Ms. Evans stated that the first floor suite is 1,424 SF and the second floor suite is specked at 1,300 SF by the architect but she believes both suites are the same size. She stated that the Brunenkant Building is 2,682 SF, includes the finished basement.

Mayor Rankin inquired as to what made up the lease rate of \$1,365.81 for the Brunenkant Building.

Ms. Evans stated that the monthly rate is the current market rate multiplied by the square footage.

Mayor Rankin inquired as to what is hindering the rental of Suite 102 at the Silver King.

Ms. Evans stated that she believes a viable tenant will be in the space next month. She stated that each business has unique requirements for the business space and it has taken an upswing in the market and connecting with the right business that fits with the limitations an historical building has such as weight loads. The potential tenant that is looking at the Suite 102 fits with the buildings limitations and will be a good fit with the other tenants in the building.

Mayor Rankin inquired if the fire code concerns with the upstairs suite at the Silver King had been addressed and corrected if needed.

Ms. Garcia stated that a memorandum was sent to the Facility Maintenance Department to investigate the concerns, which included the crash bars on the windows which Councilmember Anderson brought to staff's attention. She stated that the Facility



Maintenance Department acknowledged the request and will investigate the concerns and provide a response of their findings and what correction will be made, if any.

Mayor Rankin asked that the Fire Department be notified as well to ensure code compliance.

Councilmember Anderson inquired if the tenants will be billed directly for utilities now that independent meters have been installed.

Ms. Evans stated that the Town maintains the account and each tenant will be billed according to the meter reading of that specific unit.

Mayor Rankin inquired if staff believes the Brunenkant Building can be leased at the rate that is currently being charged.

Ms. Evans stated that she does not believe the demand is there for the building which is best suited for office space. She stated that the Town has not seen new office type businesses come to Town in recent years.

Mayor Rankins inquired if Council believes it would be in the best interest to keep the Brunenkant Building as it is an historical building or is it time to sell the building.

Councilmember Anderson stated that he does not believe the Town should be in the real estate business.

Councilmembers Wall and Councilmember Guilin stated that they believe it would be a good idea to place the building for sale.

Councilmember Hawkins stated that a price should be placed on the building that would recoup the funds the Town has put into the building which he believes is close to \$500,000.

Mayor Rankin inquired if there are any deed restrictions on either the Silver King or the Brunenkant Building that would hinder the Town from selling the buildings.

Ms. Garcia stated that staff would need to review the deeds for both buildings and the requirements that are in place as Federal funds were used for the restoration of the buildings. As such, stipulations are in place that would need to be reviewed by legal counsel and brought back to Council for review. She stated that staff would need to obtain an appraisal for the Brunenkant Building before placing it up for auction. She inquired if Council would like staff to move forward with this process.

Councilmember Wall inquired if the Town could utilize any of the available space at the Silver King.

Ms. Garcia stated that staff could review with all department heads to see if any are in need of additional or new space but believes most departments are currently housed in locations with adequate space. She stated that staff could reach out to service organizations to see if they are in need of space.

Ms. Evans inquired if Council would like her to continue developing a new lease policy for the buildings or put it on hold until the research is completed and Council can determine if they want to sell the buildings or keep them.

Mayor Rankin stated that Ms. Evens should continue to update the lease policy in case she does receive interest in the available spaces.

Councilmember Hawkins stated that he would like to see a retail business go into the spaces that would generate sales tax revenue for the Town. He also stated that he noticed in the current lease policy that two businesses of the same kind would not be permitted in the same location. He was concerned that this policy would limit possible tenants for a building.

Councilmember Guilin inquired if a possible tenant has been denied based on the business scenario that Councilmember Hawkins presented.

Ms. Evans stated that a situation of similar businesses renting spaces next to each other would need to be looked at on a case-by-case basis as the Town would not want to put two hair salons next to each other or two restaurants with similar menus. She stated that you could create synergy by having two restaurants in the same location that complimented each other instead of competing with each other.

Councilmember Woolridge stated that she would recommend removing the similar business stipulation as that would possibly be a reason why the space is not receiving tenant interest.

Ms. Garcia stated that the original thought process behind offering a low lease rate was to compensate for billing of utilities by square footage. She stated that the Town has installed individual meters for each suite that will now allow for billing of utilities by actual usage. She stated that staff is seeking directive from Council if they are still comfortable with the very low lease rate or would like to increase the rate to be more in-line with current market rates.

Ms. Evans stated that she did an analysis on one suite at the Silver King and determined that the monthly cost for the suite would decrease by approximately \$100 if the lease rate was brought up to a current market rate as the billing of utilities by usage would be much less then what is being billed currently. She stated if the lease rate is not raised, the tenants would be receiving a significant lease value.

Councilmember Hawkins inquired if the utility billing is being billed by meter reading at this time.

Mr. Evans stated that the billing process has not changed as of yet as the lease agreements with each business would need to be modified to address the new billing process.

Councilmember Hawkins stated that he would like to see a one to three month billing cycle occur then look at what the utilities are and evaluate what a fair market rate would be.

Mayor Rankin stated that the Town's expenses for the building need to be covered by the lease fees that are collected.

Ms. Garcia stated that the Town has leases that need to be renegotiated and inquired if it is the Council's desire to review utility billing prior to those negotiations.

Mayor Rankin stated that he would like staff to research deeds and stipulations associated with the Federal funds that were received for historical restoration of the buildings along with one month of independent billing history for each suite of the Silver King. He asked that the information be presented to Council at a work session where all factors can be looked at to determine if the lease rate needs to be raised and if a building can or should be put up for auction.

### **MANAGER'S REPORT**

Mr. Montoya stated that this was the last regular Council meeting for Mr. Farina and Mr. Mitchell as they will be leaving the Town at the end of the month.

### **CALL TO THE PUBLIC**

There were no comments.

### **CALL TO THE COUNCIL**

Councilmember Anderson stated that he had spoken with several individuals and organizations in Town regarding industrial development and asked that Councilmembers start thinking about what the Town can do to bring an industrial business or industry to Town. He stated that he has identified different individuals and businesses who would be interested in serving on a committee regarding industrial development and requested a work session on the topic.

### **ADJOURNMENT**

**Council may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the Town's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3).**

On motion of Councilmember Hawkins, seconded by Councilmember Wall, and carried to adjourn the meeting at 7:33 pm.

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Tom J. Rankin, Mayor

ATTEST:

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Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on June 15, 2015, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Town Clerk

**MINUTES OF THE FLORENCE TOWN COUNCIL WORK SESSION HELD ON THURSDAY, JUNE 18, 2015, AT 3:00 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Mayor Rankin called the meeting to order at 3:02 pm.

**ROLL CALL:**

Present: Rankin, Walter, Hawkins, Guilin, Anderson, Wall.

Absent: Woolridge

**WORK SESSION TO REVIEW THE 2015/2016 BUDGET.**

Mr. Charles Montoya, Town Manager, stated that the items that need to be reviewed after the draft budget was presented to Council at the June 10, 2015 work session are as follows:

- Addition of \$40,000 to the Fire Department budget for part-time salaries to help alleviate demand on overtime funds
- Unfreeze the Building Inspector position
- How Council would like to budget for the potential annexation should the current lawsuit be decided in the Town's favor

Mayor Rankin stated that he along with Councilmember Wall and Councilmember Guilin met with Mr. Montoya and Mr. Michael Farina, Finance Director, to allow Councilmember Wall an opportunity to understand the budgeting process as this is her first budget season. He stated that it is Council's responsibility to look at the overall budget to ensure it is fiscally sound and in the best interest of the Town. He stated it is not the job of Council to dissect each department as that is the job of the appointed department head, which is responsible for their budget and to run their department within the established expectations of Council.

Mr. Montoya stated that he and Mr. Farina met with Councilmember Guilin and Mr. Farina recommended that \$40,000 be taken from the Community Center part-time salary budget as they will not open at the start of the fiscal year; and move those funds to the Fire Department part-time salary budget. He spoke with Mr. Bryan Hughes, Parks & Recreation Director, who stated that he believes that he can operate the Center with a reduced budget once it is open.

Mayor Rankin inquired if Council had any questions regarding the requested \$40,000 to be placed into the Fire Department part-time salary line item.

Vice-Mayor Walter asked Mr. Montoya to reiterate his statement regarding moving funds from the Community Center to the Fire Department.

Mr. Montoya stated that it is being recommended that \$40,000 be moved from the Parks and Recreation Community Center operations salary line item to fulfil the need at the Fire Department to backfill shift openings with part-time crew members which will alleviate demand on over-time dollars.

Councilmember Anderson inquired as to why the Transportation Development Impact Fee Fund is reimbursing the Highway User Revenue Funds (HURF) for the Diversion Dam Road project.

Mr. Farina stated that the Diversion Dam Road project was funded by HURF, but based on the criteria approved by Council; the Diversion Dam Road project qualifies for funding through the Transportation Development Impact Fee Fund. By transferring \$955,000 out of the Transportation Development Impact Fee Fund to HURF, it will allow for additional HURF projects to be completed.

Councilmember Guilin inquired if the Diversion Dam Road Project is the same as the Bowling Road extension to State Highway 79,

Mr. Way Costa, Public Works Director, stated that it is the same project, which also interfaces with the Arizona Department of Transportation (ADOT) project in the same location which the Town has partially funded, in an amount of \$83,000.

Councilmember Anderson stated that he was still concerned that impact fees are being used to fund the HURF account.

Mr. Farina stated that it is his understanding that it is appropriate to reimburse a HURF funded project with impact fees if the project meets the criteria set forth by Council previously. He stated that he would defer to Legal Counsel for their guidance.

Mr. Clifford Mattice, Attorney with Dickinson Wright LLC, stated that without looking at the specifics of the project, Mr. Farinas' understanding is consistent with the basic legal protocol between the two funds.

Councilmember Anderson stated that he would like a better understanding of the approved legal interaction between the two funds and since the Diversion Dam Road project had already been approved to be completed through HURF and inquired why HURF funds are not enough to complete the project.

Mayor Rankin inquired what the Transportation Development Impact Fee Fund balance will be, if the funds are moved.

Mr. Farina stated that the Transportation Development Impact Fee fund balance will be close to zero.

Mayor Rankin stated that if a project comes up then, there will not be any funds available to do them.

Mr. Farina stated that Mayor Rankin is correct; there will not be any funds available. He stated that the recommended \$955,000 is not the full amount that is needed to complete the Diversion Dam Road Project. The remaining funds would come from HURF. He stated that the Diversion Dam Road Project has been approved, and as such, whether the project is through the reimbursement process or direct budgeting, impact fees can be used for the project. He stated the legal research that needs to be done is to determine if any portion of the fees that were collected prior 2012; and if so, are they subject to the 10 year limitation of use.

Mayor Rankin directed legal counsel to research if it is legal to transfer funds from the Transportation Impact Fee Fund to HURF and if the impact fees are subject to the 10 year limitation of use.

Mr. Farina stated that the first question that needs to be reviewed is if Transportation Development Impact Fees can be transferred to a HURF approved project if the project meets the criteria set forth by Council regarding the use of those fees. Once that question is answered and if it is in favor of the transfer, you will need to determine if any of the impact fees in the fund are subject to the 10 year use limitation.

Mayor Rankin inquired as to what Councilmember Guilin's thoughts were regarding transferring of funds.

Councilmember Guilin stated that as long as the transfer is properly recorded, the Town can transfer monies from the Transportation Development Impact Fee account to HURF.

Councilmember Anderson stated that he is concerned with using Transportation Development Impact Fee funds for this project as he lives in Parkside, which is located in the Anthem development, and the streets are in need of repair. The residents have been promised that the repairs would be done for several years.

Mr. Costa stated that the street maintenance for the Parkside community is done through Community Facilities District (CFD) monies, and at this time, he is not certain funds have been set aside for street repairs.

Vice-Mayor Walter stated that she is concerned with the condition of the roads in Parkside as they are deteriorating. After speaking with Mr. Montoya, she has the understanding that the street repairs that were done in Sun City were done with funds from HURF not from CFDs.

Mr. Montoya stated that the voters voted to do the following projects utilizing HURF funds:

- Felix Road & Hunt Highway intersection
- Merrill Ranch Parkway resurfacing
- Attaway and Hunt Highway intersection

From the Capital Improvement Fund:

- Hunt Highway
- Resurfacing of American to Franklin
- Franklin Road

Mr. Montoya stated that HURF funds should be used for Town-wide maintenance and that CFD funds are for infrastructure. Staff will come back to Council at a later date to discuss how CFD funds are to be used.

Mayor Rankin inquired if CFD funds were previously used for street maintenance in the Sun City subdivision.

Mr. Costa stated that CFD funds were used to complete street maintenance in Unit 3 and Unit 4, approximately three years ago. At that time there was approximately \$100,000 in CFD maintenance funds available.

Mayor Rankin inquired if a maintenance tax is collected under the CFDs.

Mr. Costa stated that there is a \$0.30 tax collected for maintenance.

Mayor Rankin stated that precedence had been set with the use of CFD monies to maintain the streets in Unit 3 and Unit 4. Council will need to determine what the appropriate use is for those maintenance funds. He stated that Council needs to make that policy decision, not the Manager's office. He stated that the Manager's recommendation is well taken but also want to make sure Council knows the status of all needs throughout the Town including the overdue projects in Florence Gardens.

Mr. Montoya stated that Phase 4 Florence Gardens concrete curb and pavement project is included in the budget.

Mayor Rankin stated that when the Town went to the voters with the list of items to be completed, the Town did not have the engineering studies done and as such, it will take the majority of the next two years to complete these items.

Councilmember Hawkins stated that Florence Gardens has had new roads and pavements over the last six to eight years.

Mr. Costa stated that last phase of work was completed in 2008, and the work done completed concrete and curbing projects in Phases 1 through 3, at a cost of approximately \$4,500,000.



Councilmember Hawkins stated that a decent amount of work has been done in Florence Gardens.

Mr. Larry Kollert, Florence resident, stated that he lives in Phase 5 of Florence Gardens that does not have paved roads, and would like to see the paving project completed in this phase.

Mr. Farina stated that he believes the Transportation Development Impact Fees can only be used for expansion or new construction of roads, not for the repair and maintenance of existing roads.

Councilmember Anderson stated that now the situation is more confusing as the streets in Parkside were installed by the developer and it makes it unclear to him why the developer is having him pay an impact fee.

Vice-Mayor Walter requested additional information regarding the \$0.30 maintenance fee that is paid through the CFD impact fee.

Mr. Farina stated that there are two levies; \$3.25 for debt services and \$0.30 for operations and maintenance which can be used to cover costs associated with professional services or administrative functions on behalf of the CFD. He stated that there is approximately \$40,000 collected annually in each CFD.

Vice-Mayor Walter stated that she is concerned that street maintenance was completed with a mix of HURF funds and CFD funds when HURF is supposed to cover street maintenance Town wide.

Mayor Rankin stated that the impact fee in each CFD was developed to cover the administrative costs for the departments that are involved with the business of the CFD. He stated that the impact fees were not designated for repairs and maintenance.

Councilmember Guilin stated that Mayor Rankin was correct as there are limited funds collected in the operating and maintenance budget yet there are many expenses that those monies must cover including audit and escrow costs. She stated an example would be fees that are paid to Pinal County to bill and collect for the individual lot assessments for the CFD. She stated that there was an agreement in CFD No. 2 to use a portion of the operating and maintenance funds to assist with the building of Fire Station No. 2.

Mayor Rankin inquired if Councilmember Anderson was comfortable with the understanding of the CFD collections and expenses, as stated, and with the understanding that Council will receive legal guidance as to how the CFD funds can be utilized. He stated that going forward all expenses for each CFD will be approved by the CFD Board.

Councilmember Anderson stated that he was in agreement.

Mayor Rankin stated that the General Fund will decrease \$1,500,000 and that the department heads will need to monitor their expenses very closely. Council will need monthly reports to ensure the Town stays fiscally sound.

Mr. Farina inquired if Council would like a monthly public report or continue with the monthly report that is covered in the Finance Department monthly report.

Mayor Rankin stated that he would like a monthly public report so the citizens and Council can see exactly how money is being spent and where the budget stands at any given time.

Councilmember Hawkins inquired if monthly public reports would increase staff's work load which would outweigh the benefit of the report. He asked if the report would be available online or must be requested from the Finance Department.

Mayor Rankin stated that by reviewing the budget on a monthly basis, it will provide an opportunity for following:

- Opportunity to ask questions
- Receive clarification for areas of concern
- Review and/or rectify areas where a line item is close to being over budget

Vice-Mayor Walter stated that in Town Attorney section of the budget, it states that there will be a \$250,000 increase in professional services for continued outside legal services but it does not say for what litigation issue.

Councilmember Hawkins stated that the fees are for the copper mine issue.

Vice-Mayor Walter inquired as to why the outside professional services are being expensed from the in-house Town Attorney department.

Mr. Farina stated that is the name "Town Attorney" is the name of the department that handles all legal activity for the Town. He stated that outside services may be needed for issues that arise that necessitate the use of additional resources. Historically \$250,000 has been budgeted and used annually regarding the current litigation with the copper mine.

Councilmember Anderson stated that the professional services line item is being moved from the Capital Improvement fund to Town Attorney.

Mr. Farina stated that Councilmember Anderson was correct as the \$250,000 is a decrease in the Capital Improvement Fund and an increase in the General Fund.

Mayor Rankin inquired if the budgeted expenditures for the Fiscal Year 2015/2016 were \$36,827,000.

Mr. Farina stated that \$36,827,000 is correct. There may have been a few changes since the draft budget was printed, but the changes would be minor.

Mayor Rankin asked that all minor changes be made prior to the June 22, 2015 Council meeting and to note those changes for Council.

Councilmember Anderson inquired as to how the Town will eliminate rollover expenses year after year, such as the \$1,200,000, that the Town will experience at the end of the 2014/2015 Fiscal Year.

Mayor Rankin stated that it is a goal in the next Fiscal Year to not expend all budgeted expenditures to eliminate rollover expenses.

Mr. Costa stated that approximately 15% of a project cost is associated with engineering fees.

Mr. Montoya stated that Council and staff need to develop a long-range strategical plan looking at growth of revenue and expenditures over the next one to five years that will provide guidelines for expenditures which will assist in a plan to bring the use of General Fund dollars back to zero.

Mayor Rankin stated that Council decided it would like to have a work session to develop a long-range plan.

Councilmember Hawkins stated that revenues continue to fall as expenses increase due to State funds being reduced.

Mayor Rankin stated that he would like to see the long-range plan developed and approved by Council, sooner than later, to allow the Budget Committee to utilize as the new budget begins.

Councilmember Anderson inquired when the Town would hear from the Judge regarding the pending annexation.

Mr. Montoya stated that the Town may receive a decision in the next three months. He stated if the decision is in favor of the Town, the plaintiffs have 60 days to appeal the decision which would prolong the filing of the judgement.

Councilmember Hawkins stated the Town should not pursue the annexation any further if the annexation goes against the Town, as there is no revenue base in the areas other than shared revenues with the State. The Town cannot incur additional expenses as it would not be fiscally appropriate at this time.

Mayor Rankin stated that if the area were annexed, the Town would receive property taxes and some retail revenue from the golf course. He stated that the annexation is important to the growth of the Town.

Councilmember Hawkins stated that he agrees that the annexation is important to the growth of the Town but the timing may not be right. The next couple of years will be fiscally tough and going further in debt is something Council should review.

Councilmember Wall stated that she strongly urges that a clear plan be put into the long-range plan for street maintenance, taking into consideration all areas of Town, not just the areas that speak out the loudest. She stated that she would like to see the areas prioritized by their current condition and remaining useful life.

Mayor Rankin stated that in the past, the Public Works Director provided Council with the Street Maintenance Plan which included the information that is being requested.

Mr. Montoya stated that the Budget Committee and staff have discussed the need to have an in-depth review done, reviewing all projects as priorities have changed and costs have changed. A new long-range capital plan would aid in the impact fee study and how those fees should be allocated.

Mayor Rankin stated that the Town has had a Capital Improvement Plan for many years. If the Plan were compared to the list of projects that have been completed over the last couple of years, it would show which projects were worked on or completed and which projects have been pushed-out year after year as the need for the work has not presented itself. There are projects that were moved up as the need required.

Councilmember Guilin stated that the updating of the Capital Improvement Plan is the most urgent item that needs to be completed as the Plan will dictate everything the Town does or does not do.

Mrs. Dennis Kollert, Florence resident, stated that she does not believe the Town should stop pursuing the areas that are involved in the challenged annexation as the Town made a commitment to those citizens.

Mr. Montoya stated that he wanted to confirm that Council agreed with the following:

- Move \$40,000 from the Community Center budget to the Fire Department budget
- Unfreeze of the second Building Inspector position as funding for the position was located in the existing budget
- Add \$250,000 in Capital Improvement, pending the outcome of the annexations.

It was the consensus of the Council to do the changes that had been previously discussed and restated by Mr. Montoya.

Councilmember Hawkins stated that he was not against the pending annexations and if the Court rules against the Town, the Town should not pursue additional action until such time it can properly afford to service the areas. He stated that the Town had no idea that legislation would cut shared revenues to the extent that it did and the harsh reality of those cuts is something the Town will now have to deal with. The Town continues to experience a higher level of expenditures than revenue and the Town will have no choice but to raise taxes.

## **ADJOURNMENT**

**Council may go into Executive Session at any time during the meeting for the purpose of obtaining legal advice from the Town's Attorney(s) on any of the agenda items pursuant to A.R.S. § 38-431.03(A)(3).**

On motion of Councilmember Hawkins, seconded by Councilmember Anderson, and carried to adjourn the meeting at 4:00 pm.

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Tom J. Rankin, Mayor

## **ATTEST:**

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Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on June 18, 2015, and that the meeting was duly called to order and that a quorum was present.

---

Lisa Garcia, Town Clerk

**MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, JUNE 22, 2015, AT 3:30 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Mayor Rankin called the meeting to order at 3:32 pm.

**ROLL CALL:**

Present: Rankin, Walter, Woolridge, Hawkins, Guilin, Anderson, Wall

**ADJOURN TO EXECUTIVE SESSION: For the purpose of discussion of the public body, pursuant to A.R.S. 38-431.03(A)(1), to interview candidates for Town Attorney.**

**4:00 pm      Clifford Mattice**  
**4:30 pm      Thomas J. Wilson**

On motion of Councilmember Hawkins, seconded by Vice-Mayor Walter, and carried to adjourn to Executive Session.

**ADJOURN FROM EXECUTIVE SESSION**

On motion of Vice-Mayor Walter, seconded by Councilmember Guilin, and carried to adjourn from Executive Session.

**ADJOURNMENT**

On motion of Councilmember Guilin, seconded by Councilmember Hawkins and carried to adjourn the meeting at 5:52 pm.

\_\_\_\_\_  
Tom J. Rankin, Mayor

**ATTEST:**

\_\_\_\_\_  
Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on June 22, 2015, and that the meeting was duly called to order and that a quorum was present.

\_\_\_\_\_  
Lisa Garcia, Town Clerk

**MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, JUNE 22, 2015, AT 5:00 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Mayor Rankin called the meeting to order at 6:06 pm.

**ROLL CALL:**

Present: Rankin, Walter, Woolridge, Hawkins, Guilin, Anderson, Wall

**CALL TO THE PUBLIC**

**Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.**

Mr. Robert Shoppell, Florence resident, stated that he reviewed the current budget and the proposed budget for Fiscal Year 2015/2016 and is concerned that the Parks and Recreation budget is receiving a 40% increase. He stated that he believed the increase was due to the cost to operate the new Aquatic Center and inquired if there was a plan in place if operations exceeded the \$500,000 increase. He stated that his second concern was regarding the condition of the properties one 1<sup>st</sup> Street. He stated that a majority of the properties are owned by absentee owners who are not maintaining them to them. He stated that the same conditions can be found throughout Florence and encouraged Council to take actions on these homes either through code violations or corrective action by the Town so that the costs to bring the properties up to code can be billed back to the property owners.

**NEW BUSINESS**

**Resolution No. 1527-15:**

Mr. Charles Montoya, Town Manager, read Resolution No. 1527-15 by title only.

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ADOPTING THE TENTATIVE ESTIMATES OF THE AMOUNT REQUIRED FOR THE PUBLIC EXPENSE FOR THE TOWN OF FLORENCE FOR FISCAL YEAR 2015-2016; ADOPTING A TENTATIVE ANNUAL BUDGET; SETTING FORTH THE RECEIPTS, EXPENDITURES AND THE AMOUNT PROPOSED TO BE EXPENDED FOR VARIOUS PURPOSES; GIVING NOTICE OF THE TIME FOR PUBLIC HEARING**

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**FOR TAXPAYERS ON THE ADOPTION OF THE FINAL BUDGET; ADOPTING THE BUDGET IN ACCORDANCE WITH THE STATE-IMPOSED EXPENDITURE LIMITATION AND VOTER-APPROVED EXCESS AMOUNT; DECLARING AN EMERGENCY.**

Mr. Montoya stated that the proposed budget was presented to Council at two work sessions held on June 10, 2015 and June 18, 2015 and the changes that were requested at those meetings have been made.

Councilmember Anderson inquired as to what the legal findings were regarding the transferring of funds from the Transportation Development Impact Fee Fund to HURF.

Mr. Clifford Mattice, Attorney with Dickinson Wright LLC, stated that transfer of funds to reimburse HURF with funds from the Transportation Development Impact Fees that were collected from Anthem is appropriate as the development plan covers all areas of Florence and the specific project being reimbursed is compliant with the Arizona State Statute and Florence Development Codes regarding the Transportation Development Impact fees.

Councilmember Anderson inquired if impact fees are being segregated by year?

Mr. Michael Farina, Finance Director, stated that the fees are recorded on a monthly basis and through reports; staff can monitor what fees were collected and how they were spent.

Mayor Rankin inquired as to what year the law changed on how and when funds could be spent.

Mr. Mattice stated that in January 2012 the law changed regarding the collection and expenditure of the Transportation Development Impact Fees funds.

Mayor Rankin inquired as to how the Transportation Development Impact Fees were recorded prior to the law change in 2012.

Mr. Farina confirmed that the Town did separate impact fees on a yearly basis until January 2012 when the law changed and the Town adopted an ordinance in September 2013 regarding the changes.

Councilmember Wall inquired if the full amount of \$15,000,000 approved by the voters is being applied to the proposed budget.

Mr. Farina stated the total amount includes the carryovers for projects that will not be completed by the end of the current fiscal year end, which will bring the total proposed budget to the \$15,000,000 limit.



On motion of Councilmember Guilin, seconded by Councilmember Hawkins, to adopt Resolution No. 1527-15.

Roll Call:

Councilmember Guilin - Yes  
Councilmember Hawkins - Yes  
Councilmember Woolridge - Yes  
Councilmember Wall - Yes  
Councilmember Anderson - Yes  
Vice-Mayor Walter - No  
Mayor Rankin - Yes

Motion Passed: Yes: 6; No: 1

**Discussion/Approval/Disapproval of ratification of Change Order No. 1 with Garney Construction for the North Florence Reservoir & Pump Station, in an amount not to exceed \$7,442, for a total project cost not to exceed \$1,723,442.**

Mr. Montoya stated that on March 2, 2015, Council approved a contract with Garney Construction for the construction of a new reservoir and booster pump station in Florence Gardens with an amount not to exceed \$1,716,000. He stated that Garney Construction has requested a change to their contract for work including a reduction in cost for the motor control pad and canopy, an increase in cost for a new manhole valve vault lid, connection of a new pipe to an existing pipe and relocation of a 16" waterline. He stated that the total increase to the contract being requested is \$7,442.

Mayor Rankin inquired if this would be the last change order.

Mr. Montoya stated that this would be the last change order as the project would then be complete.

Mr. V. Jared Lee, Engineer with Water Works Engineering, stated that he is the Engineer and Project Manager for the North Florence Reservoir and Pump Station Project. He stated that the work in the change order has already been completed and that there was a mishap with the topological survey of the area which is being worked through at this time.

Mayor Rankin inquired who made the error with the topological survey.

Mr. Lee stated that his firm was requested to use an old topological map which turned out to be exceptionally flawed.

Mayor Rankin inquired as to how many more change orders should be expected and what would the cost be for the change orders

Mr. Lee stated that there are four more change orders in process that may come to Council if a savings cannot be found through other aspects of the project.

Mayor Rankin stated that Council is unhappy with the volume of change orders that have been brought to Council after a project is approved with a cost not to exceed amount.

Councilmember Guilin inquired if the change order was a request for ratification since the work has already been completed.

Mr. Montoya confirmed that the request was for a ratification of services already rendered.

Vice-Mayor Walter inquired as to whom gave the direction to use the older map.

Mr. Lee stated that the design portion of the project was done several years ago and he does not know who provided the map.

Mayor Rankin inquired if the Town's GPS system is up to date.

Mr. Marc Eckhoff, Community Development Director, stated that the Town's GPS system is fully loaded with all topological information for the Town.

Councilmember Anderson inquired as to why the Town is paying for a mistake that is unclear as to who made the decision to utilize an older map.

Mr. Montoya stated that it is the understanding that a Town employee provided the map to Water Works Engineering several years ago during the design portion of the project.

Councilmember Anderson requested that staff look into the issue and provide Council with the name of the individual who provided the outdated map.

Vice-Mayor Walter stated that there needs to be accountability for the error.

On motion of Councilmember Hawkins, seconded by Councilmember Guilin to ratify Change Order No. 1 with Garney Construction for the North Florence Reservoir & Pump Station, in an amount not to exceed \$7,442, for the total project cost not to exceed \$1,723,442.

Roll Call :

Councilmember Guilin - Yes  
Councilmember Hawkins - Yes  
Councilmember Woolridge - Yes  
Councilmember Wall - Yes  
Councilmember Anderson - No  
Vice-Mayor Walter - No  
Mayor Rankin - Yes

Motion Passed: Yes: 5; No: 2

**Discussion/Approval/Disapproval of sending a favorable recommendation to the Arizona Department of Liquor Licenses and Control on behalf of the Greater Florence Chamber of Commerce's application for a Special Event Liquor License for July 18, 2015, from 6:00 pm to midnight to host Casino Night at the Holiday Inn Express & Suites.**

On motion of Councilmember Anderson, seconded by Vice-Mayor Walter and carried to send a favorable recommendation to the Arizona Department of Liquor Licenses and Control on behalf of the Greater Florence Chamber of Commerce's application for a Special Event Liquor License for July 18, 2015.

**Discussion/Approval/Disapproval on filing a blank annexation petition on the proposed Bonnybrooke Solar Farm Annexation.**

Mr. Eckhoff stated that the Town has received a request from Sunpower to annex into the Town of Florence. The site is approximately 312 acres, located at the Town's eastern edge off of Diversion Dam Road with the proposed development of a solar farm. He stated that the proposed project would be similar to the existing Copper Crossing Solar Plant in Florence and the Sandstone Solar Farm development that is about to commence construction south of the Anthem at Merrill Ranch community. The site will have a small operations and management/maintenance building; however, there are currently no plans to have any employees stationed on the site during operations. He stated that initially, the site may not be connected to the Town's water and wastewater systems.

Mr. Eckhoff stated that the financial impact for the Town would be realized through the following;

- Payment of various application, review and permit fees.
- Property tax estimated at \$61,000 during construction phase.
- Construction sales tax on the project is estimated at \$286,000. (non-solar components per law)
- Secondary revenue of \$45,000 generated by workers during the construction phase. (Projected by project economist)
- Property tax during the 35 year operational phase is estimated at \$848,000.

- Sales tax revenue generated by employees presented during the 35 years of operation is estimated at \$33,000.
- If an operations and management/maintenance building is provided, minimal non-utility impact fees will be collected based on the square footage of the building.

Mr. Eckhoff stated that there are indirect positive fiscal impacts in that property taxes collected will also benefit Pinal County, Florence Unified School District and other entities. He stated that the Town should expect to experience the following costs associated with the proposed project:

- Based on previous experience with similar project there would not be a need to increase staffing or personnel for Fire and Police.
- The type of uses will warrant limited initial public improvement.
- No municipal water or sewer infrastructure will be required.
- Quail Run Road to the east side of the project will only be improved with a chip seal treatment due to the limited use of the roadway in the near term.
- Diversion Dam Road will also remain in its current state as the project does not warrant significant changes based on post-development traffic projections.
- The Town will take over the maintenance of these roads if the annexation is approved.

Mr. Eckhoff stated that staff is providing a favorable recommendation as the annexation and proposed use of the land is consistent with the current annexation objectives of the Town.

Vice-Mayor Walter inquired as to what specifically would necessitate the need to widen the roads around this project.

Mr. Eckhoff stated that different scenarios of development would dictate the level of road improvements that would need to be done. He stated that roadway improvements are programmed into the CIP and funded through the Transportation Development Impact Fees, General Fund or other sources, and/or by the owners/developers escrowing funds towards future roadway development through a Development Agreement to participate in a future Roadway Improvement District, if such were formed.

Councilmember Anderson inquired if the power, that will be generated, will be sold to SRP.

Mayor Rankin stated that the power will be transferred directly to SRP.

Mr. Eckhoff stated that Mayor Rankin was correct and asked the representatives from Sunpower to speak further on Councilmember Anderson's inquiry.

Mr. Drew Gibbons, Manager of Business Development with Sunpower, stated that there is an SRP line that runs just north of the property that would be delivering the power directly to SRP.

Councilmember Anderson inquired if the Town would experience any sales tax revenues from the power that is generated.

Mr. Eckhoff stated that the report provided to the Town for the proposed development does not speak directly to a transaction sales tax between the owners of the project and SRP. He stated that staff will research the inquiry and provide this information to Council.

Mayor Rankin stated that this type of information would normally be provided in the development agreement for the project.

Mr. Eckhoff stated that staff will obtain the information requested regarding sales tax between the project owners and SRP and SRP to the end user as the actual sale of the energy will not be within Town limits. He stated that over the expected 35 year life span of the project, it is estimated that Pinal County will receive \$5,700,000, FUSD will receive \$5,800,000, Flood Control District will receive \$1,700,000 and the remaining taxing districts would share an estimated \$1,500,000.

Mayor Rankin stated that during a meeting he had with Sunpower it was stated that the solar project would make all efforts to hire locally during the construction phase.

Councilmember Guilin stated that it was her understanding that the electricity would not be sold within the Town of Florence and as such the Town would not be entitled to sales tax revenues. She stated that staff needed to review the tax code for solar power as there are many restrictions on what can and cannot be taxed.

Councilmember Anderson inquired as to how the electricity is tracked once it is on the grid as it would be almost impossible to do.

Councilmember Guilin stated that the Arizona tax code needs to be reviewed as it provides the parameters that the Town will need to follow regarding taxation of solar power and its producers.

On motion of Councilmember Woolridge, seconded by Councilmember Guilin to approve filing a blank annexation petition for the proposed Bonnybrooke Solar Farm Annexation.

Roll Call:

Councilmember Woolridge - Yes

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Councilmember Guilin - Yes  
Councilmember Hawkins - Yes  
Councilmember Guilin - Yes  
Councilmember Hawkins - Yes  
Councilmember Wall - Yes  
Councilmember Anderson - Yes  
Vice-Mayor Walter - Yes  
Mayor Rankin - Yes

Motion Passed: Yes: 7; No: 0

**Discussion/Approval/Disapproval to authorize the Town Manager to enter into a contract and award all bids associated with the Main Street – State Route Highway 79 Project.**

Mr. Montoya stated that the Main Street Extension project was approved in June 2014 with work commencing in September 2014. He stated that just recently the Town received final approval from ADOT to complete the northern end of Main Street where it will connect to State Route Highway 79. He stated that Town staff recommends that Low Mountain Construction be authorized to complete the connection to State Route Highway 79 on a sole source award as they are currently mobilized in the area completing the southern end of Main Street and are immediately ready to complete the northern end.

Mr. Montoya stated that the budget for the Main Street Extension project is \$700,000 and to date the Town has obligated \$352,844.58. He stated that staff is requesting \$94,116 for the northern end project which includes a 10% contingency.

Mayor Rankin stated that this work will connect Main Street to State Route Highway 79 and complete the Main Street project. He stated that landscaping will be installed along the roadway at a later date.

Councilmember Hawkins stated that the total cost if this request is approved would be \$446,960.58 which is less than the original budget of \$700,000.

Mr. Montoya stated that the Town experienced a saving on the project by having Public Works staff complete a portion of the work.

Mayor Rankin stated that Low Mountain Construction has been able to provide the Town with low bids based on the volume of work they are currently doing in Town.

Councilmember Anderson inquired if street lights will be installed on the northern area extension.

Mr. Montoya stated that the road is considered a reliever road, and as such, ADOT limits what can and cannot be installed along that roadway in relation to State Route Highway 79. He stated that the Community Development Department is working on signage for the roadway and requested staff to provide Council the information regarding street lighting and what ADOT will allow to be installed at a later date.

On motion of Councilmember Guilin, seconded by Councilmember Hawkins, and carried to authorize the Town Manager to enter into a contract and award all bids associated with the Main Street – State Route Highway 79 Project.

### **CALL TO THE PUBLIC**

There were not comments

### **CALL TO THE COUNCIL**

Councilmember Anderson thanked the audience for attending the meeting and their patience as the meeting started late.

Councilmember Wall agreed with Councilmember Anderson.

Vice-Mayor Walter stated that she voted against the tentative budget as she believed there are items of concern that have not been properly addressed as far back of 2012. She stated that she has a problem in the manner in which the budgetary process occurred. The concerns she has are too complex to resolve in the upcoming budgetary fiscal year. She stated that her concerns are as follows:

- Pay scale policy that was adopted in 2012
- The maximum 3% merit stipend for employees
- The pay scale gap between management and employees
- The increase in the Parks and Recreation budget
- The decrease in the Police and Fire Departmental budgets.

Vice-Mayor Walter stated if services are cut in the Fire Department, homeowners in the northern portion of Florence would have to pay higher insurance premiums as the ISO rating would go up. She thanked the audience for their attendance.

Mayor Rankin stated that there will not be any cuts to the current service levels of the Police and Fire Departments. He stated that the 3% stipend is what the Town can afford to do at this time and that the Town has not had to lay off any employees or sacrifice service, as the voters approved the over-ride budget. He stated that the Aquatic Center is opening on July 4, 2015 and hoped everyone would attend the festivities.

### **ADJOURNMENT**

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On motion of Councilmember Guilin, seconded by Councilmember Woolridge, and carried to adjourn the meeting at 6:55 pm.

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Tom J. Rankin, Mayor

**ATTEST:**

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Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on June 22, 2015, and that the meeting was duly called to order and that a quorum was present.

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Lisa Garcia, Town Clerk



**REGULAR MEETING OF THE TOWN OF FLORENCE ARTS AND CULTURE COMMISSION  
HELD THURSDAY, APRIL 9, 2015 AT 6:00 P.M. IN THE CHAMBERS OF TOWN HALL,  
LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER:**

Chairman Celaya called the meeting to order at 6:01 pm

**ROLL CALL:**

Present: Celaya, Rankin, Cochran, Duncan

Absent: Hansen

**PLEDGE OF ALLEGIANCE**

Chairman Celaya led the Pledge of Allegiance

**OLD BUSINESS**

**Election of Vice Chairman**

On motion of Commissioner Rankin, seconded by Commissioner Duncan and carried to appoint Commissioner Hansen as Vice-Chair.

**Discussion of the Public Art Annual Plan**

Ms. Jennifer Evans, Management Analyst, stated that the plan is in draft form, pulling together the thoughts and suggestions from the Commission's previous meeting. She stated that the plan reflects the mission statement; general goals; short-term, mid-term and long-term projects. She stated that she would like the Commission to review the plan and provide input for additions, changes and corrections.

The annual plan initially had the Art Walk during Country Thunder as the Commission's first project. Since the event is this weekend, Ms. Evans removed the event from the plan because it will be over before the plan is approved. She presented a contact form with a brief survey as a way to collect contact information from the people who may want information about the arts. Chairman Celaya wanted a short paragraph describing the Commission on the form. Commissioner Duncan emphasized the need to have a table at the event instead of just walking around. All Commissioners agreed to volunteer at the event.

Ms. Evans stated the annual plan is a 3-year plan specifying the projects in each category, denoting a timeline for completion, who will be the project lead and identifying, if applicable, the funding source.

She stated that one item discussed at the last meeting was to have an educational component at the Commission meetings and inquired if any Commissioner would be willing to coordinate this for the meetings. Commissioner Cochran volunteered to coordinate educational training for the Commission meetings.

Commissioner Duncan inquired as to what the parameters are going to be for the education training at the meetings. Ms. Evans stated that the Commission can determine how much time will be dedicated to educational training at each meeting and if a guest speaker is coming, determine if there will be a special meeting or just have a longer meeting.

The next item discussed was developing content for the newsletter. Chairman Celaya stated that he would like to see a calendar of events in the newsletter. Commissioner Cochran stated that she would like to see a spotlight column focusing on public education about arts and local artists.

Commissioner Duncan would like to see the mission statement and general goals of the Commission included and see the newsletter broken down by the different types of arts and culture the Commission is focusing on. She stated that she would like to see all educational programs announced to allow the public to attend any and all of them.

Chairman Celaya recommended that the Commission start collecting newsletters from other municipalities to better understand what they are doing to communicate their programs. Ms. Evans inquired if anyone would like to serve as the project leader for the newsletter. Chairman Celaya agreed to be the project leader.

The next item was a discussion of a work session to develop the guidelines and standards for juried art exhibitions. She stated that this would be a good opportunity to ask someone from another arts commission to give their perspective about developing guidelines based on their experience with these types of shows. Commissioner Cochran stated that when the Commission visits a municipal program in the near future, most likely many of their questions will be answered. Ms. Evans recommended placing a three month timeline to complete this project and the Commission agreed.

The next item for discussion was the public art project at the new library facility. Ms. Evans stated that recent talks were about placing a water feature in the front central area of the library and entrance of Territory Square. She stated that there has not been any additional information provided at this time but would keep the Commission informed as this project progresses.

Chairman Celaya stated that he is concerned about qualifying the object as an art piece and that we should develop standards. Ms. Evans stated that the Commission is new and is still in the development stages and will most likely not have an opportunity to specify the standards on this particular project as time will not allow it. Chairman Celaya stated that he is concerned that Commission funds are spent on a unique, one-of-a-kind feature that is artistic and specific to the Town.

Ms. Evans stated that in previous meetings many ideas were shared about different types of art shows and planning should start soon for shows next year. Shows could be scheduled during the high season, sometime before April. Members of the Commission agreed.

Commissioner Duncan stated that she would like to see a protocol put in place, developing a form letter to use for funding requests, merchandise support, etc. that would provide continuity

throughout the efforts of the Commission. Chairman Celaya stated that he agreed with Commissioner Duncan and would allow for all members of the Commission to participate in fundraising efforts.

Ms. Evans stated that Commissioner Duncan had brought up the youth talent show and art exhibition to the Commission in a prior meeting. Commissioner Duncan stated that she did some on-line research and identified some programs that she felt would be a good match for the Town. She provided the Commission with information from Kids for Cause, Atlantis and Solstice: an outdoor music festival. She stated that the information shows how the applicants apply to participate, how it is handled on-line and how it comes to fruition in a live performance.

Ms. Evans encouraged the Commission to study the information provided and to look at scheduling parameters and timelines. Commissioner Cochran stated that she felt the goal should be to have the first competition on its own then working with Parks and Recreation to have competitions coincide with events. Commissioner Duncan stated that she would get additional information regarding the events and inquire what opportunities the organizers have experienced when holding the events.

Ms. Evans stated that the model for an adult art exhibition is the INFLUX project in East Valley cities. She stated that after the field trip the Commission will have a better understanding of the time commitment needed for this project.

Ms. Evans stated that the Commission previously discussed that they wanted to have a competition for an arts commission logo but they need to determine the parameters of the competition and guidelines for the logo design. The Commission agreed the project needs to be moved to short-term. Commissioner Cochran volunteered to be the lead on the logo project.

Ms. Evans stated that the arts commission webpage may be available in July, 2015.

Ms. Evans stated that the mural on Main Street was painted four years ago and the project is now weathering and is in need of repair. Chairman Celaya stated that the area would be a great location for an open-air theater for the arts. He stated whatever the Commission recommends, it should consider the long-term maintenance and financial obligation the change will require. Commissioner Cochran stated that she would like to see the mural removed and possibly go a different direction either with a landscaping plan or something other than what it is now. Commissioner Duncan suggested having students create a mural similar to what they do with sidewalk art.

The next project will be the implementation of the "Own an Original" Art Exhibition concept that Littleton, Colorado does each year. Ms. Evans stated that the Commission could use another name for the event and work on implementing the plan over the next couple of years.

The last project is establishing a non-profit arts organization. Ms. Evans stated that a track record will need to be established with the implementation of all these arts projects that can be used on the IRS application for the non-profit. The organization would operate outside of the town and be able to do fundraising. She stated that it takes about six months to process the paperwork through the IRS.

## **NEW BUSINESS**

### **Discussion of Visiting Regional Communities with Public Art Programs**

Ms. Evans stated that the Commission can decide where the first visit will be and when.

Commissioner Cochran stated that Oro Valley, AZ has a public art tour on April 21<sup>st</sup> that might be a good event to attend.

The Commission asked Ms. Evans to contact some of the towns and cities to see who would be available to meet with the Commission.

### **CALL TO THE PUBLIC/COMMISSION RESPONSE**

Call to the Public for Comment is limited to issues within the jurisdiction of the Town of Florence Arts and Culture Commission. Individual commission members may respond to criticism made by those commenting, may ask the staff liaison to review a matter raised, or may ask that a matter be placed on future agenda.

Ms. Ruth Harrison, Florence resident, reiterated her request for a film festival and to have a music event showcasing musical groups through the local schools and colleges.

### **CALL TO THE COMMISSION**

No comments.

### **ADJOURNMENT**

On motion of Commissioner Cochran, seconded by Commissioner Rankin, and carried to adjourn the meeting at 7:42 pm.

Approved:

  
Debra Hansen, Vice Chair

**MINUTES OF THE SPECIAL MEETING OF THE TOWN OF FLORENCE ARTS AND CULTURE COMMISSION HELD ON MONDAY, MAY 11, 2015 AT 6:00 P.M. IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER:**

Vice-Chairman Hansen called the meeting to order at 6:00 pm

**ROLL CALL:**

Present: Rankin, Cochran, Duncan, Hansen

Absent: Celaya

**PLEDGE OF ALLEGIANCE**

Vice-Chairman Hansen led the Pledge of Allegiance

**NEW BUSINESS**

**Discussion/Approval/Disapproval of Minutes from the April 1, 2015 Regular Meeting**

On motion of Commissioner Cochran, seconded by Commissioner Rankin and carried to approve the April 1, 2015 minutes as written.

**Acceptance of Chairman Tom Celaya's resignation**

Ms. Jennifer Evans, Management Analyst, stated that Commissioner Celaya has taken a position with the Town of Florence and that policy states that Commissioner Celaya cannot hold a voting position on a Board or Commission for the Town. She stated that an alternate was not appointed for the Commission but there was one additional applicant, Roger Degler and it is up to the Commission to decide if they would like to recommend his appointment or open up the process for new applications to be submitted.

Vice-Chair Duncan asked if the Commission could see Mr. Degler's resume and any notes from his interview.

Ms. Evans stated that she would provide that information to the Commission for review.

On motion of Commissioner Duncan, seconded by Commissioner Cochran and carried to accept the resignation of Tom Celaya.

**Presentation/Discussion/Recommendation of a Public Art project at the Territory Square Plaza**

Ms. Evans stated that this project is being tabled for the foreseeable future due to lack of time available to properly complete the procurement process and commission a piece of art to be created.

Commissioner Cochran inquired if the funds for the project are being carried over to the next fiscal year.

Ms. Evans stated that all CIP funded projects must be completed by June 30, 2015 and due to funding restraints with the failure of Home Rule, there will not be any funds available in the next fiscal year for the project.

On motion of Commissioner Rankin, seconded by Commissioner Duncan and carried to table indefinitely the Public Art project at the Territory Square Plaza.

### **CALL TO THE PUBLIC/COMMISSION RESPONSE**

Call to the Public for Comment is limited to issues within the jurisdiction of the Town of Florence Arts and Culture Commission. Individual commission members may respond to criticism made by those commenting, may ask the staff liaison to review a matter raised, or may ask that a matter be placed on future agenda.

Ms. Ruth Harrison, Florence resident, stated that the Commission previously discussed the installation of a fountain and inquired if infrastructure for the fountain is being installed now to be available for the fountain when funding permits.

### **CALL TO THE COMMISSION**

Commissioner Cochran stated that she met with the originator of the Oro Valley Arts program and has volunteered to assist the Town of Florence in developing its Arts program. She stated that she learned how their program is structured which is Town and commercially funded. She stated that she and Ms. Evans discussed that the traveling distance for speakers to come to the Commission meetings may present a challenge. She stated that she has researched learning opportunities for the Commission and has found through the Phoenix Art program, a class that provides training in the many areas that the Commission has requested. She stated that the class fee is \$25.00 and that she has registered. Ms. Evans stated that she will inquire if the Town can reimburse the \$25.00 class fee.

Commissioner Cochran stated that there is an organization called Arizona Citizens for the Arts which has a website and a membership fee of \$50.00. The organization offers on-demand webinars on various art topics for communities and would be a good resource tool for the Commission.

Commissioner Cochran stated that the logo project should be placed on hold as there is no available funding, but she encouraged the Commission to look at funding opportunities.

Commissioner Cochran said she reviewed Oro Valley's code to see how their public art program is funded and she thinks we should incorporate the same into Florence Town Code. This is a primary necessity, without it the commission will never have funds. Ms. Evans will place the matter on the next agenda for discussion.

Vice-Chairman Hansen inquired if the school kids would be a good resource to design a logo for the Commission. Commissioner Duncan said she thinks a logo is necessary now. The logo will be discussed at the next meeting.

Commissioner Rankin shared a draft mission statement with the Commission for discussion and review at the next Commission meeting. She inquired if she could volunteer for the juried art show and the mural on Main Street.

**ADJOURNMENT**

On motion of Commissioner Duncan, seconded by Commissioner Rankin, and carried to adjourn the meeting at 6:29 pm.

Approved:

  
Debbie Hansen, Vice Chairman

**TOWN OF FLORENCE  
HISTORIC DISTRICT ADVISORY COMMISSION  
SPECIAL MEETING**

**MEETING MINUTES**

**SPECIAL MEETING OF THE HISTORIC DISTRICT ADVISORY COMMISSION OF THE TOWN OF FLORENCE HELD WEDNESDAY, MAY 27, 2015, AT 7:00 PM, IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Chairwoman Wheeler called the meeting to order at 6:00 pm.

**ROLL CALL:**

Present: Chairwoman Wheeler, Commissioner Smith, Commissioner Reid, Commissioner Novotny

Absent: Vice-Chairwoman Adam, Commissioner Schmidt

**PLEDGE OF ALLEGIANCE**

Commissioner Reid led the Pledge of Allegiance.

**DISCUSSION/APPROVAL/DISAPPROVAL** of the minutes of the special meeting conducted on March 31, 2015.

On motion of Commissioner Reid, seconded by Commissioner Smith and carried to approve the minutes of the regular meeting conducted on March 31, 2015 with corrections.

**NEW BUSINESS**

**CASE PZ-15-36 DR (PIONEER TITLE PROJECT) DISCUSSION APPROVAL/DISAPPROVAL** of a Design Review application for the Pioneer Title Project located at 206, 208 and 214 North Main Street in Florence, Arizona.

Gilbert Olgin, Senior Town Planner, stated that the Arizona State Historic property inventory recognizes the owner's buildings as the "Henrickson Residence" (206 and 208 North Main Street) and "Classic Cleaners" (214 North Main Street). These adjacent properties reside within the Florence Townsite Historic District.



The purpose of the application is to obtain Historic District Advisory Commission's approval on the new facades and exterior remodels for two properties. Both historic properties have been recently purchased by the Edwin and Linda Lamoreaux Family Trust with the intent to remodel both buildings and bring new businesses to Main Street.

The "Henrickson Residence", a two-story commercial/residential building with its front façade on the parcel's Main Street property line and its flanking facades on side property lines.

Approximate building dimensions and details:

- 15 ft wide (N-S) 45 ft deep (E-W) 19.5 ft in height.
- Exterior concrete block walls.
- Exposed parapet wall with stucco below.
- A cantilevered wood and V-joint sheet metal sidewalk canopy on Main Street façade is braced from the parapet wall with metal tie rods.

The "Classic Cleaners" property is a single story commercial building, with its front façade on the parcel's Main Street property line and bordering facades on side property lines.

Approximate building dimensions and details:

- 15 ft wide, (N-S) 45 ft deep, (S-E) 13 ft in height.
- Exterior walls are painted concrete block.
- Recessed horizontal paneled treatment of parapet wall.
- Corrugated metal covers a wood-frame, mono-pitch roof structure.
- A cantilevered wood and metal sidewalk canopy is braced from the Main Street parapet wall with metal tie rods.

The current state of the subject properties is disrepair. Many aspects of the properties are unhealthy and the owner desires to improve the interior and protect the exterior to preserve the historic integrity from future damage.

The owner is in the permit process for the tenant improvements and will be updating the interior of both properties per Town codes, which will include ADA compliancy. Staff will note, the "Henrickson Residence" has both a commercial and residential component to this building and mixed use is an allowed use per the Downtown Commercial (DC) zoning district ordinance. The exterior improvements of both properties will be the focus of this Design Review application.

## FAÇADE AND EXTERIOR WALLS

### ***"Henrickson Residence", 206 and 208 North Main Street***

The applicant proposes to install a new stucco cornice (an ornamental molding) over the top of the existing concrete masonry unit (CMU) wall and apply stucco to the outer wall

to present a smooth uniformed finish and to make this building appear as one cohesive unit. Also, the use of a new standing seem metal awning, angled with a weathered steel-rust will be utilized. The two front doors will be refinished with a wood stain to reflect a natural brown accent color. The main body color will be "Terracotta Sand".

### **"Classic Cleaners", 214 North Main Street**

The applicant proposes to update the front of this building by adding new wood panels (wainscot-paneling) and applying a wood stain to the panels for a natural color. In addition, the existing masonry in the front will be painted an "Ash Gray". There will also be the addition of a "Navy Blue" canvas awing that will cover the windows of this building.

The Florence Townsite Historic District Preservation Design Guidelines in Section 4.2.2 Facades and Building Form:

"Encourage the use of light colors or earth tones as the primary colors of the façade.

Maintain the vertical proportions of the windows and doors.

Retain, or replace when necessary, the wood casings that bordered the original doors and windows.

On building additions, retain the historic floor elevation approximately 10' to 18' above ground level.

Maintain, or replace when necessary, historic porches, verandas and arcades.

Encourage designs for porches, verandas and arcades that cover the entire side of a building; include shed-style roofs; use shakes or seamed metal as roofing materials; and utilize slender, square, chambered, or wood columns."

## **SIGNAGE**

The applicant has proposed two separate wall signs and decals:

1. "Pioneer Title Agency" sign will measure 10' wide and 16" tall with most of the letters no bigger than 12". Also, painted black and will be made of PVC composite. Letters will be mounted flush to the building and will not exceed 80% of the building width. The total sign area will not exceed 200 sq ft and similar window decals that will display the company name and business specific information.

2. "The Chop Shop" sign will measure less than 4' wide and 12" tall. Letters will be painted black and will be made of PVC composite as well. The letters will be mounted flush to the wall and will fit within the recessed rectangular area that exists at the top of this building. The total sign area will not exceed 200 sq ft and similar window decals will be used that will display the company name and business specific information.

All signage will comply with Town code.

As stated per the "**Secretary of the Interior's Standards for the Treatment of Historic Properties: Standards for Rehabilitation**"

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships characterizing the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.*

10. *New additions and adjacent or related new construction will be undertaken in such a manner, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Staff contends that this remodel will not only preserve the building for future generations, but also enhance each building's appearance, in order to blend the buildings into the Historic District and retain a level of individuality. Staff agrees that the applicant has followed the Secretary of the Interior's Standards for the Treatment of Historic Properties and the Florence Townsite Historic District Preservation Design Guidelines.

As a consequence of the proposed Design Review application, two new businesses will be introduced to Main Street.

- The re-model plans preserve the integrity of the historic buildings.
- Secretary of the Interior's Standards for the Treatment of Historic Properties: Standards for Rehabilitation and Florence Townsite Historic District Preservation Guidelines have been utilized.
- Positive impact to surrounding businesses on Main Street.

Staff found that this request was in compliance with applicable Town codes and the Secretary of the Interior's Standard and Preservation Guidelines. Therefore, staff hereby recommended approval to the Historic District Advisory Commission for the Design Review application PZ-15-36 DR, subject to the following conditions:

1. Construction and signage shall conform to the exhibits presented on May 28, 2015.
2. Design Review approval shall expire in one (1) year from this approval (May 28, 2015) if a building permit is not issued for the subject sites/projects within said period.
3. Any roof-mounted HVAC equipment shall be screened from street view by the building's architectural parapet.
4. Compliance with this Design Review approval shall be required prior to the issuance of a final Certificate of Occupancy.
5. There shall be no continuous movement, flashing or scrolling of images on the windows of both businesses.
6. Property Owner is responsible for all necessary right-of-way permit(s) for construction access and improvement within the Town right-of-way.
7. Must capitalize the "C" and "S" in "Chop Shop" and both will be the color red.
8. If a traditional barber pole is installed in the future, it will not need further approval.

Commissioners had various questions for staff and the applicant, which both staff and the applicant answered sufficiently. The applicant inquired if he could change the sign lettering color from black to red.

On motion of Commissioner Novotny, seconded by Commissioner Smith, and carried to approve the Design Review case PZ-15-36, Pioneer Title Project with the condition to capitalize the first letters of Chop Shop in red and the condition that a traditional barber shop pole option would not need further approval.

#### **CASE PZ-15-38 DR (FINDERS KEEPERS)**

**DISCUSSION/APPROVAL/DISAPPROVAL** of a Signage Design Review application for Finders Keepers located at 350 North Main Street in Florence, Arizona.

Gilbert Olgin, Senior Town Planner, stated that the Arizona State Historic property inventory recognizes the owner's building as the "Joseph Langnickel Bakery" located at

350 North Main Street. This historic commercial building is a representative example of the latter phase of the "Early 20th Century Commercial" or Neo-Classical Revival Style Commercial Structure. The building stands on the site of a two story Early Transitional Style structure built in 1908, the ground floor of which housed J.G. Keating's New Tunnel Saloon (1908-1914). This property resides within the Florence Townsite Historic District.

The intent of the application is to seek approval of an existing sign "Finders Keepers".

The owner has met with staff and submitted an application for a Sign Design Review. The wall sign is currently located on the front of the building and above the awning facing Main Street. The subject sign currently measures at 16'x16".

The sign is composed of red and blue wood 16" letters mounted to a natural wood beam.

Staff recognizes that the location of the sign follows the Florence Town Site Historic District Preservation Design Guidelines for wall signs. The sign has a plain font with a common classic sign design used for retail stores. The font is legible and easy to read with a color comparison that is not intrusive or distracting. The colors provide significant contrast between the background of the sign and the letters. Staff notes that the signage area does not exceed the 200 sq ft allowed and the sign was strategically placed within a recessed area of the Historic building for signage.

Staff has communicated with the applicant on the reason for the signage being in place prior to HDAC approval and it was relayed that the applicant was under the impression that signage was to be in place as soon as possible. The applicant has apologized to staff and apologizes to the Commission for this oversight.

Under Arizona Revised Statutes, Title 9, Section-462.04 and per the Town of Florence Development Code, a public hearing is not required for a Design Review application.

Staff found that this request was in compliance with applicable Town codes, but does not meet the font recommendation of the Florence Townsite Historic District Preservation Design Guidelines. Therefore, staff hereby presented to the Historic District Advisory Commission the Design Review application for PZ-15-38 DR for approval or disapproval, subject to the following conditions:

1. Signage shall conform to the exhibits presented on May 27, 2015.
2. Signage shall comply with all applicable Town Codes, including all applicable building, fire and engineering codes. The existing sign will require a building permit from the Community Development Department.

On motion of Commissioner Novotny, seconded by Commissioner Smith, and carried to approve the Signage Design Review application for case PZ-15-38, Finders Keepers.

**2015 HISTORIC MARKER NOMINATIONS**

**MRA Carminatti-Perham House**

Roll call vote:

Chairwoman Wheeler: Yes  
Commissioner Smith: Yes  
Commissioner Reid: Yes  
Commissioner Novotny: Yes

**MRA W.Y. Price Residence**

Chairwoman Wheeler: Yes  
Commissioner Smith: Yes  
Commissioner Reid: Yes  
Commissioner Novotny: Abstained

**F1-18 W.C. Smith & Co. Bldg.**

Chairwoman Wheeler: No  
Commissioner Smith: No  
Commissioner Reid: No  
Commissioner Novotny: Abstained

**F1-62 Joseph Langnickel Bakery**

Chairwoman Wheeler: No  
Commissioner Smith: No  
Commissioner Reid: No  
Commissioner Novotny: No

**F1-32 Jacob Suter Residence/Updating the Marker**

Chairwoman Wheeler: Yes  
Commissioner Smith: Yes  
Commissioner Reid: Yes  
Commissioner Novotny: Yes

On motion of Commissioner Novotny, seconded by Commissioner Smith, and carried to approve the 2015 Historic Marker Nominations for the MRA Carminatti-Perham House and the F1-32 Jacob Suter Residence/Updating Marker. And carried to disapprove the

2015 Historic Marker Nominations for the F1-62 Joseph Langnickel Bakery and F1-18 W.C. Smith & Co. Building.

On motion of Commissioner Novotny, seconded by Commissioner Smith, and carried to table approval/disapproval of the 2015 Historic Marker Nomination for the W.Y. Price Residence for the next meeting.

Gilbert Olgin requested that two Commissioners volunteer for a committee to present information to the homeowner to approve in order to move forward with the Historical Markers.

Commissioner Reid and Chairwoman Wheeler volunteered for the Historical Marker Committee.

On motion of Chairwoman Wheeler, seconded by Commissioner Smith and carried to approve closing the business session and opening the work session.

## **WORK SESSION**

**DISCUSSION/PRESENTATION/COMMISSIONERS TO SPEAK IN ORDER** on the 2015 State Historic Preservation Conference in Flagstaff. Commissioners are asked to relate what they learned about the conference and provide information on ideas to improve the conference.

It was discussed that the City of Flagstaff states in their City code that a mural has no writing on it and a sign contains writing. Commissioners who attended the session enjoyed the murals in Flagstaff and also enjoyed the conference and did not have any improvements for following sessions.

Staff and Commissioners discussed various items from previous conferences that they had been to and brought back ideas and what has been implemented since.

**DISCUSSION/PRESENTATION** on the Cuen Building application.

Commissioners inquired if Mr. Smallidge was given the engineer's report on issues that need to be addressed with the Cuen Building. According to staff Mr. Smallidge was asked to use a commercial contractor in regards to the stability of the structure.

Staff stated concerns regarding the vagueness on the application regarding this commercial property.

Commissioners inquired if the engineer's recommendations on how to stabilize the building were going to be followed so the Town could feel comfortable that the building was stabilized.

Stephen Smallidge, owner of the Happy Adobe and the Cuen Building, stated that the windows and doors are original to the building and he would replace these items with like items.

Commission members felt that the information presented to them lacked sufficient detail for them to make any decisions if they were in a place to vote at the current time. Commission members stated that they needed additional information from professional contractors showing detail of materials and other associated items in order to make an informed decision when this item comes back to them.

### **CALL TO THE PUBLIC/COMMISSION RESPONSE**

Call to the Public for Comment is limited to issues within the jurisdiction of the Town of Florence Historic District Advisory Commission. Individual Commission members may respond to criticism made by those commenting, may ask staff liaison to review a matter raised, or may ask that a matter be put on a future agenda.

No public comment.

### **CALL TO THE COMMISSION**

Commission had questions on how long the Silver King banner had been hanging.

### **ADJOURNMENT**

Chairwoman Wheeler adjourned the meeting at 8:23 pm.

x   
\_\_\_\_\_  
Chairwoman Wheeler



FLORENCE COMMUNITY LIBRARY  
**Joint-Use Library Advisory Board**

1000 S. Willow St. / P. O. Box 985  
Florence, AZ 85132

**Minutes**

Regular Meeting

May 20, 2015 – 6:00 p.m.

1. The meeting was called to order at 6:05 pm by Chairperson Kollert.
2. Members present were: Sheree Berger, Kamian Harmon, Talma Harmon, Eugene Horan, Denise Kollert, Trudy Kelm, Vallarie Woolridge, and Rosemary Bebris  
Members absent were: Dr. Amy Fuller and Thad Gates
3. A motion was made by Member Horan, seconded by Member Berger, and carried to approve the March 18, 2015 minutes.
4. The Library Director's report included the following:

- The Florence Community Library would like to take this opportunity to thank all of the librarians, teachers, and students who participated in this years' 18th Annual Bookmark Design Contest. The winners and their families were honored at the Bookmark Awards Ceremony on Friday, April 10, at 6 pm.

1st Place Winner	Denise Jimenez	8th Grade	Walker Butte K-8
2nd Place Winner	Ashley Johnson	4th Grade	Circle Cross Ranch K-8
3rd Place Winner	Dalila Zazueta-Cota	1st Grade	Magma Ranch K-8

Honorable Mention: Caidence Durbala, Circle Cross Ranch; Prestyn Needham, Florence K -8; Tiana Townsend, Skyline Ranch K-8; Jaymee Verdugo, Walker Butte K-8; Briana Quintero, Skyline Ranch K-8; Kavisha Khanna, Florence K-8; Kortnee D'Addabbo, Circle Cross Ranch K-8; Leah Kent, Anthem K-8; Miki Ysaguirre, Florence K-8; and Scott Knight, Magma Ranch K-8.

- The Florence Community Library's 2015 Library Services and Technology Act (LSTA) grant application "Florence Community Library Cultural Programming Project" has been approved by the Arizona State Library for full funding in the total amount of \$11,400.00.

The Library is also partnered with the Pinal County Library District on two successful grant applications:

"Operation Digitization" for \$29,500 that will provide digitization stations in the PCLD libraries. Patrons will be able to convert old family photographs, films, or recordings to a digital format.

“Maximizing Success: Community Analysis” was also approved for \$20,000. This grant will provide individual libraries within PCLD with in-depth data to help make better plans for services, collections, and budget allocations.

- Registration begins Tuesday, May 26 for the Florence Community Library’s 2015 Arizona Summer Reading Program. The program will kick off Monday, June 1. Each week will feature: Trivia handouts, Teen events, Family Storytime, Crafts, and Family Flicks. All programs are free and open to the public.

Summer Reading will run through the month of June. Children and teens may complete reading logs to win participant prizes. There will also summer events for all ages. “Teen Tuesdays” will be held every Tuesday at 2 pm, allowing teens to “Unmask” and showcase their talents. Wednesdays at 10 am, younger children can “meet and greet local heroes” with Children’s Librarian Ms. Rita, who will present stories, songs, finger plays, music and special guests. “Crafting Heroes” will be our focus on Thursdays at 2 pm, with a variety of crafts for children of all ages. Parents and guardians are strongly encouraged to assist younger children. Registration is required for crafts, although walk-ins will be accepted on a space available basis. Each week will end with a Friday family flick, complete with popcorn and drink! A family movie will be shown in the library programming room each Friday at 1 pm, with seats available on a first-come basis. Because of licensing restrictions, titles are unavailable to the media or through the Library’s website. Patrons may call 520-868-9471, or visit the library for title information. Movies are subject to change.

Adults are also invited to “Escape the Ordinary” with the library’s 2015 Adult Summer Reading Program. Turn in an entry for each book you read. Every Monday, a random drawing will be held for prizes, with grand prizes for the top adult readers awarded at the end of the program. Friday, June 12, at 5:30 pm, award winning author Monica Sucha Vickers will visit the library to discuss her life as a triple amputee, with copies of her autobiography available to sell and sign courtesy of the Friends of the Florence Community Library. Finally, the library’s monthly movie presentation on Saturday, June 13, at 1 pm, will be tailored to the Summer Reading theme with a film biography of an extraordinary modern figure.

5. Ms. Rosemary Bebris, Library Director, provided an update on the new library facility. Construction meetings regarding the new library continue with Low Mountain Construction, Inc. The facility is on track for a July 23, 2015 completion date.

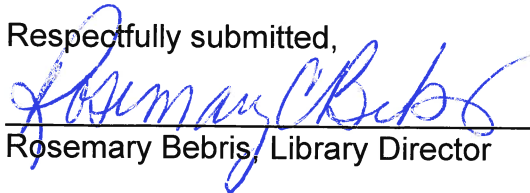
6. Ms. Bebris, Library Director, provided an update on the “Making a Difference with Community Engagement” project. She explained three options so far identified by library staff and Wholonomy Consulting as ways for community leaders and members to identify shared goals and to work together to reach objectives: an outreach campaign (making library resources better known); hosting a community leaders and organization/business meeting to develop collaborations; and holding training for community and civic engagement. Ms. Bebris asked for any suggestions or comments

from the Board members. Board members generally agreed that the training element might be the best use of the technical assistance offered by Wholonomy Consulting at this time due to the State Library's deadline of September and the impending library move.

7. The next meeting was scheduled for June 17, 2015.

8. A motion was made by Member Horan seconded by Member Berger, and carried to adjourn the meeting at 6:31 pm.

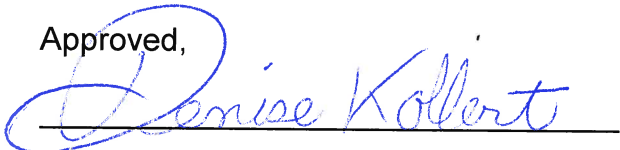
Respectfully submitted,



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Rosemary Bebris, Library Director

Approved,



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Denise Kollert, Chairperson

FLORENCE COMMUNITY LIBRARY  
**Joint-Use Library Advisory Board**

1000 S. Willow St. / P. O. Box 985  
Florence, AZ 85132

**Minutes**

Regular Meeting

June 17, 2015 – 6:00 p.m.

1. The meeting was called to order at 6:02 pm by Chairperson Kollert.
2. Members present were: Sheree Berger, Eugene Horan, Denise Kollert, and Rosemary Bebris  
Members absent were: Kamian Harmon, Talma Harmon, Trudy Kelm, Vallarie Woolridge, Dr. Amy Fuller and Thad Gates
3. A motion was made by Member Horan, seconded by Member Berger, and carried to approve the May 20, 2015 minutes.
4. The Library Director's report included the following:

- Effective June 29, 2015, the library will observe the following hours:

Monday:	9am - 8pm
Tuesday:	9am - 8pm
Wednesday:	9am - 8pm
Thursday:	9am - 8pm
Friday:	9am - 5pm
Saturday:	12pm - 4pm
- Barbera Scoby graduated from the State Library's Summer Library Institute after her third year of participation. The Summer Library Institute offers aspiring and current library directors the opportunity to participate in a unique and valuable professional development event. Five days spent on the campus of Northern Arizona University provide learning experiences from highly regarded library professionals, including faculty from the University of Arizona's School of Information Resources and Library Science (SIRLS), experienced trainers, State Library staff, and fellow participants. There is no charge to attend the Summer Library Institute. Registration fees, dormitory rooms and meals are provided by the Arizona State Library, Archives and Public Records with funds granted by the Library Services and Technology Act, administered by the Institute of Museum and Library Services.

Susan Villanueva has resigned from her PT Library Aide position. Her last day will be June 27, 2015.

- Upcoming Programs include:

### Magician Craig Davis

The Florence Community Library invites children of all ages and their caregivers to join us on Saturday, June 27 at 1 pm for the "2015 Arizona Summer Reading Program Finale." The library is very pleased to welcome "Magician Craig Davis."

The Craig Davis Magic and Juggling Show is an amazing, fun-filled and highly entertaining show packed with audience involvement. This fast moving and energetic performance includes juggling (Arizona's premier seven ball juggler), rings, tropical birds, slack rope walking, and unicycling. Craig easily engages his entire audience with his humor and skill, while many children will enjoy the thrill of creating magic at Craig's side. Craig masterfully draws the children into his magic, while weaving into his performance a theme he is passionate about: "When you read you can learn anything, including Magic." In his routine, Craig loves to share how his many trips to his local library helped him learn his unique skills.

### Monthly Movie

Saturday, July 11, the monthly movie discussion will focus on a unique American subgenre: The Paranoid Conspiracy Thriller of the 1970's. The presentation will talk about the historical/cultural background for the rise of this genre, and will touch on some of the highlights (including The Conversation, Three Days of the Condor, and The Parallax View). The talk will be followed by a showing of 1976's acclaimed fact-based thriller, All the President's Men.

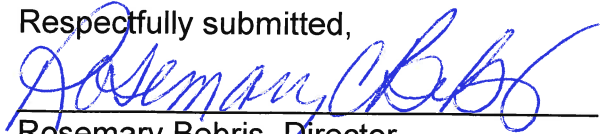
5. Ms. Rosemary Bebris, Library Director, provided an update on the new library facility. Construction meetings regarding the new library continue with Low Mountain Construction, Inc. The facility is on track for a July 27, 2015 move-in date, although there will be additional work that needs to be completed before the facility can be opened to the public.

6. Ms. Bebris, Library Director, provided an update on the "Making a Difference with Community Engagement" project. She reminded the Board that the overall goal of the technical assistance is to build capacity in the community among community leaders and members to identify shared goals and use collaborative processes to reach those shared goals. There will be two 3 hour trainings (tentatively on August 27 and September 3) for a 2 part series on Community and Civic Engagement. The series will be developed so that participants can come to either or both sessions.

7. The next meeting was scheduled for July 15, 2015.

8. A motion was made by Member Horan seconded by Member Berger, and carried to adjourn the meeting at 6:25 pm.

Respectfully submitted,



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Rosemary Bebris, Director

Approved,

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Denise Kollert, Chairperson

## **TOWN OF FLORENCE PARKS AND RECREATION ADVISORY BOARD**

**MINUTES FROM THE REGULAR MEETING HELD ON THURSDAY, APRIL 23, 2015  
AT 6:00 P.M. IN THE COUNCIL CHAMBER OF TOWN HALL, LOCATED AT 775 N.  
MAIN STREET, FLORENCE, AZ.**

### **1. CALL TO ORDER**

Vice-Chairman Pinson called the meeting to order at 6:00 P.M.

### **2. ROLL CALL:**

Present: Don Pinson, Donald Woolridge, Robert Smidt, Shawn Gibson, Linda Fenstermaker, Vice Mayor Tara Walter

### **3. NEW BUSINESS**

#### **a. Discussion/Approval/Disapproval of nomination and election of a new Board Chair**

Boardmember Woolridge nominated Boardmember Gibson for Board Chair.

On motion by Boardmember Woolridge and seconded by Boardmember Smidt, and carried to approve Boardmember Gibson as the new Parks and Recreation Advisory Board Chairman.

Boardmember Gibson accepted the position of Chairman for the Parks and Recreation Advisory Board.

#### **b. Discussion/ Approval/ Disapproval of nomination and election of a new Board Vice Chair**

Boardmember Woolridge nominated Boardmember Pinson to remain Vice-Chairman for the Parks and Recreation Advisory Board.

On motion by Boardmember Woolridge and seconded by Boardmember Smidt, and carried to approve Boardmember Donald Pinson to remain as the Vice-Chairman for the Parks and Recreation Advisory Board.

Boardmember Pinson accepted to continue as Vice-Chairman for the Parks and Recreation Advisory Board.

#### **c. Discussion/ Approval/ Disapproval of January 22, 2015 meeting minutes**

On motion by Boardmember Smidt and seconded by Boardmember Woolridge, and carried to approve the January 22, 2015 meeting minutes.

**d. Discussion/ Approval/ Disapproval of 2015 meeting schedule**

Mr. Hughes discussed the new monthly schedule for the Parks and Recreation Advisory Board. Meetings will be on the fourth Thursday of each month.

On motion by Boardmember Smidt and seconded by Boardmember Pinson, and carried to approve the new monthly meeting dates for the Parks and Recreation Advisory Board.

**e. Updates on Facilities and Programming Subcommittees**

The following Boardmembers have volunteered to be on the Facilities Subcommittees: Boardmember Smidt and Vice-Chairman Pinson

The following Boardmembers have volunteered to be on the Programming Subcommittees: Boardmember Fenstermaker and Chairman Gibson.

**f. Update on the Territory Square Library/Recreation Complex Project**

Mr. Hughes updated the Board on the progress of the Territory Square Library/Recreation Complex Project. Mr. Hughes stated the pool tiles were complete on the competition pool, drains, and water slides were installed. The play pool, tennis and pickle ball courts were poured. The steel framing for the Library/Community Center was backed up, but is now moving forward. Mr. Hughes stated he is hoping the pool will open by mid-June.

Boardmember Woolridge asked if the public can tour the site. Mr. Hughes invited Boardmembers to contact him and he can give them a tour of the site. For safety reasons no one is allowed on the work site without proper safety gear i.e. hard hats and reflective vests.

Chairman Gibson asked if the new facility will increase jobs. Mr. Hughes said it will more than double in available positions. Last year the Town hired 12 Lifeguards for the summer season; this year they will be hiring 31.

Vice-Chairman Pinson asked if the special election failed, will the new positions be filled.

**g. Discussion on the Fiscal Year 2015-16 Park and Recreation Fee Schedule**



Mr. Hughes informed the Boardmembers that he had done a market analysis to determine new fees the Department is seeking to implement in the new Fiscal Year. Mr. Hughes spoke about the Town's cost recovery and how that influenced the draft for the proposed fees.

Some of the fees may include a minimal fee for Ramada rentals, alcohol permits with a park reservation, rental of rooms at the Community Center. Mr. Hughes is proposing to get rid of non-resident fees and just have one flat fee for the Fitness Center.

Vice-Chairman Pinson mentioned that having a flat fee will generate more business that may become an issue if the Fitness Center gets overcrowded.

**h. Discussion/Approval/Disapproval of proposed Policies and Procedures**

On Motion by Chairman Gibson and seconded by Boardmember Fenstermaker, and carried to approve the Proposed Policies and Procedures.

**i. Special Election on May 19, 2015**

Mr. Hughes mentioned to the Board if they know anyone in the Community that may be confused by the Special Election Prop 407, to share the fact sheet with them and or have them contact himself or anyone at the Administration office for further information.

Boardmember Pinson expressed that he believes the Community as a whole does not believe or understand Prop 407.

Boardmember Smidt expressed that he believes the rush to build the new Library/Community/Aquatic Center was what made voters leery at the first election. Boardmember Smidt said the Town needs to educate the people.

**j. Boards and Commissions Appreciation Dinner on April 30, 2015**

Mr. Hughes asked the Boardmembers to please R.S.V.P. with Terri at their earliest convenience.

**4. UNFINISHED BUSINESS**

**a. Discussion/Approval/Disapproval of Parks and Recreation Department Mission, Vision and Values**

Mr. Hughes read a draft of the Parks and Recreation Department's mission, vision and values. Mr. Hughes indicated that Mr. John Nixon, Recreation Coordinator for the Florence Parks and Recreation Department, had researched many other organization's mission, vision and values statements. Mr. Nixon ultimately captured what we want to convey to residents and visitors of our community.

*No action was taken; discussion only*

**b. Discussion of the Tree City USA program**

Mr. John Nixon announced that the Town of Florence was once again recognized by Tree City USA, an Arbor Day Foundation. John noted that there were only 27 recognitions in the State of Arizona, and on March 26, 2015, John went to the State Capitol to receive our 9<sup>th</sup> certificate. Mr. Nixon mentioned that together with the Florence First Foundation, children from the after school program and Park Maintenance staff, three desert willow trees were planted at Heritage Park.

**c. Discussion of the Playful City USA program**

Mr. Nixon submitted the application to Playful City USA; he included five letters of support from Community members. Mr. Nixon received feedback from the foundation on March 6, 2015 and resubmitted the application with corrections and or additional information on March 27, 2015. If approved, the department will be eligible to apply for grants.

**5. STAFF REPORTS**

**a. Parks and Recreation Director**

Mr. Hughes mentioned it is nice to have a full Board.

**b. Parks**

**c. Recreation**

**d. Senior Center**

**6. CALL TO THE PUBLIC/BOARD RESPONSE**

Ms. Ruth Harrison mentioned to the Advisory Board that according to the Arbor Day Foundation website as well as the Tree City USA website, stipulates communities should have a tree care ordinance in order to be recognized. Ms. Harrison also mentioned to the Advisory Board that they are the "tree care board" as also stipulated on both sites. Ms. Harrison said the previous Director only wanted tree care guidelines and was against an ordinance, and even the guidelines are broad.

**CALL TO THE PUBLIC FOR PUBLIC COMMENT ON ISSUES WITHIN THE JURISDICTION OF THE TOWN OF FLORENCE PARKS AND RECREATION ADVISORY BOARD. COUNCIL RULES LIMIT PUBLIC COMMENT TO THREE MINUTES. INDIVIDUAL MEMBERS MAY RESPOND TO CRITISIM MADE BY THOSE COMMENTING, MAY ASK STAFF TO REVIEW A MATTER RAISED OR MAY ASK THAT A MATTER BE PUT ON A FUTURE AGENDA. HOWEVER, MEMBERS SHALL NOT DISCUSS OR TAKE ACTION ON ANY MATTER DURING AN OPEN CALL TO THE PUBLIC UNLESS THE MATTERS ARE PROPERLY NOTICED FOR DISCUSSION AND LEGAL ACTION.**

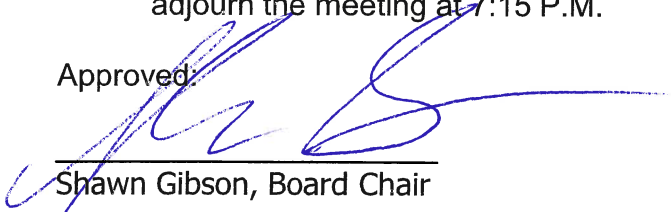
**7. CALL TO THE BOARD**

None

**8. ADJOURNMENT**

On motion by Chair Gibson, seconded by Boardmember Smidt, and carried to adjourn the meeting at 7:15 P.M.

Approved:



Shawn Gibson, Board Chair

Posted day of 2015, by Maria Hernandez, Deputy Town Clerk, at 775 North Main Street and 1000 South Willow Street, Florence, Arizona 85132 and at [www.florenceaz.gov](http://www.florenceaz.gov).

**\*\*\*\*PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE TOWN OF FLORENCE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY REGARDING ADMISSION TO PUBLIC MEETINGS. PERSONS WITH A DISABILITY MAY REQUEST REASONABLE ACCOMMODATIONS BY CONTACTING THE TOWN ADA COORDINATOR, AT (520)868-7574 OR (520)868-7502 TDD. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.\*\*\*\***

**TOWN OF FLORENCE  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING MINUTES**

**REGULAR MEETING OF THE TOWN OF FLORENCE PLANNING AND ZONING COMMISSION HELD THURSDAY, MAY 7, 2015 AT 6:00 PM AT TOWN HALL COUNCIL CHAMBERS LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.**

**CALL TO ORDER**

Chairman Pranzo called the meeting to order at 6:00 pm.

**ROLL CALL**

Present: Chairman Pranzo, Vice-Chairman Putrick, Commissioner Petty, Commissioner Garcia, Commissioner Fenstermaker

**PLEDGE OF ALLEGIANCE**

Chairman Pranzo led the Pledge of Allegiance.

**DISCUSSION/APPROVAL/DISAPPROVAL** of the minutes of the regular meeting conducted on April 2, 2015.

On motion of Commissioner Petty, seconded by Commissioner Fenstermaker and carried to approve the regular meeting minutes conducted on April 2, 2015.

**NEW BUSINESS**

**TACO BELL DESIGN REVIEW (CASE PZ-15-20 DR)**

**DISCUSSION/APPROVAL/DISAPPROVAL** of a Design Review application for the proposed Taco Bell Restaurant located at the corner of 3rd Street and State Route (SR) 79/Pinal Parkway.

Gilbert Olgin, Senior Town Planner, stated that the Taco Bell Corporation has been interested in locating a restaurant in the Florence area and has investigated numerous sites along the State Route 79 corridor in the past with no success until recently. Finding a suitable site has been an ongoing challenge until the opportunity to combine three parcels at the northwest corner of 3rd Street and State Route 79 became a viable option. This combination of lots is vital to the proposed Taco Bell restaurant in order to accommodate site improvements,

setbacks and Arizona Department of Transportation (ADOT) required right-of-way.

The proposed site consists of three parcels. Two parcels are situated fronting State Route 79 and the third parcel is located behind the highway frontage property. The purpose of this application is to obtain Design Review approval from the Planning and Zoning Commission on all three parcels of land for the proposed restaurant.

#### ANALYSIS:

The Design Review application is provided to review the general site design and aesthetics of the proposed restaurant facility, that can be broken down into five main components:

- Building Elevations
- Access/Parking
- Landscaping
- Grading and Drainage
- Signage

#### BUILDING ELEVATIONS:

The project was designed with the modern nationally recognized architectural theme with varying heights and materials for visual interest. The architectural style and colors are complementary to the adjacent commercial buildings in proximity.

Darker accent colors, stone wall façade (south elevation) and appropriate massing help break up the building façade. Horizontal roof coverings around the main dining area create covered walkways fronting the restaurant that faces north. The front of the building incorporates earth tones with a total of six colors/textures creating the facade. Accent colors, a purple section on the parapet roof and a stone wall facade provide further architectural distinction.

The architectural style and unique touches are appropriate for this portion of SR 79. Staff notes that the site elevations meet all requirements pertaining to setbacks and building heights.

#### ACCESS:

This site contains two primary vehicular access points that will provided ingress and egress to patrons and emergency services. Both State Route 79 and 3<sup>rd</sup> street will provide a 30' curb cut with a concrete apron. However, staff noted that a traffic impact analysis (TIA) may be required per ADOT for the SR 79 entry

point. A TIA report for ADOT right-of-way (ROW) will be at the discretion of the ADOT traffic engineers.

A TIA report will not be required for the Town maintained ROW (3<sup>rd</sup> Street), but a Traffic Control Plan will need to be submitted to the Town Engineer for approval.

Parking on the site, which meets minimum code requirements, will equal forty-six parking stalls, including ADA accessible parking. A total of two ADA accessible parking spaces will front the proposed restaurant and will feature a drive-thru entrance on the south side of the subject site. The drive-thru will be properly screened in accordance with code requirements and will be able to accommodate eight average size vehicles if stacking occurs without negatively affecting parking or site access.

#### GRADING AND DRAINAGE:

Grading and retention will be done in accordance with Town codes and the subject site will have a primary retention basin along the entire north side of the property, which creates an attractive landscaping buffer to help screen any CMU walls on the subject site.

#### LANDSCAPE/SCREENING:

The landscape design for the Taco Bell restaurant will take into account both the adjacent commercial development as well as existing residential development to the north and south. This has been accomplished by providing landscape buffers and screen walls, where appropriate.

Desert landscaping is proposed along the entire perimeter. A conceptual plant palette has been provided by the applicant, more plant details are contained within the landscape plan, attached to this report. Staff notes that Salt River Project (SRP) preferred desert trees have been selected to be placed under existing power lines due their slow rate of growth and relatively small canopy.

For screening purposes, the applicant is proposing to place a 3-ft screen wall (with appropriate wall breaks) on the south perimeter of the restaurant facing 3<sup>rd</sup> Street to screen the drive thru. In addition, a 6-ft cmu block wall will be added on the west and north side of the perimeter to buffer existing residential neighborhoods.

All lighting used for the external illumination of buildings, parking and outdoor uses shall be directed down and away from adjacent properties and shall be designed to minimize glare. Outdoor lighting fixtures shall be arranged and shielded so that lightning shall not shine or reflect directly onto adjacent

residential property. Compliance with local light control and dark sky regulations is required.

#### SIGNAGE:

The applicant proposes wall, monument and a menu board signs to be placed on the subject site. The applicant is proposing 181.72 sq. ft. of attached wall signs that will be placed on the north, east and south walls. The Taco Bell logo and signature "Bell" will appear on three walls. The wall signs meet Town codes and do not exceed the maximum signage requirements of 200 sq. ft. of wall signage.

The monument sign reflects and complements the building colors. With the Taco Bell logo on top, an EMC reader board in the middle of the sign and with a stone bottom that matches the restaurant, this monument sign blends with existing businesses. The monument sign will stand at 8' in height and 32 sq. ft. in total area.

A menu board is also included for the subject site. The applicant is offering a standard menu board that is typical for fast food establishments. This sign will measure 5'-10" in width and will stand 7'-3". As directed by Town Code, the sign is set back 45' from the street and will be screened by landscaping. This application has been reviewed by the Town Engineer and Fire Marshall and will be constructed to Town specifications.

Staff contends that the this Design Review application meets and exceeds Town code requirements and notes that the applicant has attended Technical Review Committee (TRC) meetings with the Town Engineer, Fire Marshall and Community Development staff and has worked diligently to respond to staff concerns.

The Design Review application for Taco Bell Restaurant if approved by the Planning and Zoning Commission will be contingent on the Town Council's zoning approval of the request of one of the three site parcels.

Staff found that the request was in compliance with applicable Town Codes and is in keeping with the character established for this area. Therefore, staff hereby recommended approval of the Design Review application for PZ-15-20 DR, subject to the following conditions:

1. Design Review approval shall expire in one year from this approval if a building permit is not issued for the subject construction within said period.
2. Project shall comply with all applicable Town Codes, including all applicable building, fire and engineering codes.

3. Any exterior lighting on the property and on the buildings shall be in compliance with applicable light control restrictions.
4. All utility boxes, back-flow preventers and similar equipment shall be painted to match the surrounding buildings.
5. Final grading and drainage plans and the Traffic Impact Analysis are subject to the review and approval of the Town Engineer and such approvals might result in minor modifications to the proposed site plan.
6. A bike rack shall be provided near the front of the restaurant store.
7. Vending/refreshment/video machines shall only be placed outside the building if screened from view.
8. Fractured granite rip rap shall be used at the bottom of retention basins and swales.
9. Developer/Property Owner is responsible for all necessary ADOT permits for ingress, egress, construction access, permanent access and improvement within the ADOT Right-of-Way.
10. Landscape improvements shall extend to the pavement edge/curbing along the adjacent frontage. This can be limited to decomposed granite along the Highway 79/Pinal Parkway frontage if requested by ADOT.
11. Any roof-mounted HVAC equipment shall be screened from street view by the building's architectural parapet.
12. Compliance with this Design Review approval shall be required prior to issuance of Final Certificate of Occupancy.
13. Coordination with the Town Public Works Department, Fire Department and/or their designees will be necessary to determine the fire flow requirements.
14. There shall be no continuous movement, flashing or scrolling of images on the Electronic Message Center (EMC) Sign.

Commission members stated that they like the design and complimented staff and the applicant. There were a few questions from Commissioners which the applicant addressed satisfactorily.

Greg Hitchens with Hitchens Associates Architects, a Mesa resident, answered various questions that the Commissioners had for him.



Skip Chase, Taco Bell Owner, spoke briefly, stating he owns 11 Taco Bells and is an experienced franchisee.

On motion of Commissioner Petty, seconded by Vice-Chairman Putrick and carried to approve the Design Review application for the Taco Bell Restaurant located at the corner of 3<sup>rd</sup> Street and State Route 79.

### **SANDSTONE SOLAR DESIGN REVIEW (CASE PZ-15-21 DR)**

**DISUSSION/APPROVAL/DISAPPROVAL** of an amended Design Review application for the Sandstone Solar Power generating facility located south of Hunt Highway and east of the Attaway Road alignment within the Monterra Planned Unit Development (PUD).

Gilbert Olgin, Senior Town Planner, stated that the original Design Review application (PZC-05-12-DR) for the Sandstone PVSF was approved on March 15, 2012, by the Florence Planning and Zoning Commission with conditions. Staff presented an amended design review application with the request to specifically amend the requirements for the perimeter walls/fencing, landscaping and additional acres incorporated to this project.

The proposed Sandstone Solar project will primarily reside within the Monterra Planned Unit Development (PUD). The proposed development site is referred to as "Monterra East". This site, with additional land to the west make up the Monterra PUD, a primarily residential master planned community and a portion of the project also lies within the Merrill Ranch PUD.

This power generating facility will encompass approximately 337 acres of agricultural land which is being proposed for a 45 megawatt alternating current (MW-AC) Solar Generating Facility (SFG). The project will utilize photovoltaic (PV) modules that convert sunlight directly into electrical energy without use of heat transfer fluid or cooling water.

The surrounding properties in the area include vacant desert land, agricultural land, future residential and sand/gravel operations. The development of a Photovoltaic Solar Facility (PVSF) on the property would represent a very low-intensity and low-impact use. Further, the proposed solar facility is in close proximity to both existing and planned electrical transmission lines, making it well situated for solar energy development.

The power generated by the project will be interconnected to SRP's existing transmission network. Interconnection will occur directly to SRP's existing 115kV

lines located adjacent to Hunt Highway. The electricity will be delivered to the existing lines via an approximate 700-ft generation tie line that is proposed to be located in the existing 66-ft public right-of-way for old Felix Road alignment. In addition to the 115kV lines along Hunt Highway, SRP also has 230/500 kV lines located 0.5 mile east of the property adjacent to the Valley Farms Road alignment.

The PVSF planning objective is to minimize impacts to the environment and the local community by:

- Utilizing undisturbed land or land that has been previously degraded from prior use.
- Using existing electrical distribution facilities, right-of-ways, roads, and other existing infrastructure where possible to minimize the need for new electrical support facilities.
- Minimizing impacts to threatened or endangered species or their habitats, wetlands and waters of the United States, cultural resources and sensitive land uses.
- Minimizing water use.
- Reducing greenhouse gas emissions.

The Sandstone Solar project will consist of the construction and operation of the PVSF. The project would be constructed in phases and operated for a period of 35 years. S-Power, the applicant plans to develop the project as described herein.

The Project facilities would operate year-round, producing electric power during daytime hours. The proposed schedule for construction is to begin site preparation and construction of the facility in the third quarter of 2015 and anticipated to complete construction and be commercial operational by the fourth quarter of 2015.

The Sandstone Solar Project will consist of the construction and operation of the PVSF. The project would be constructed in phases and operated for a period of 35 years.

The PVSF would be comprised of the following elements:

- PV modules
- Module mounting system
- Balance of system and electrical boxes
- Electrical inverters and transformers
- Electrical AC collection system, including switchgear
- Data monitoring equipment

- Access roads and perimeter block walls and fencing

A storm water pollution prevention plan incorporating management practices for erosion control will be prepared and approved before the start of construction. The project will also comply with applicable post-construction water quality standards adopted by the Arizona Department of Environmental Quality (ADEQ) and/or the Arizona Department of Water Resources (ADWR). Construction of the Project, beginning with site preparation and grading, if required, through equipment set up and commencement of commercial operation, is expected to last approximately 6 to 10 months.

## ACCESS

Off-site primary access to the subject site will be provided off of Hunt Highway via a private roadway easement along the Felix Road alignment. Felix Road and Ranch View Road currently have a 66-ft roadway right-of-way easement reserved but no existing maintained roads exist within the right-of-way. The existing right-of-way for Felix Road will be vacated to allow for the proposed private roadway. Paved access will be provided from Hunt Highway to the primary entrance.

Primary access will include an all-weather private access road (minimum width of 26') which will lead to the subject site from Hunt Highway. A paved apron (minimum length of 50') will be required off of Hunt Highway to the south. Turn lanes (including deceleration and acceleration lanes) will not be required off of Hunt Highway. A Traffic Impact Study (TIA) will not be required for the project, but a Traffic Control Plan will need to be submitted to the Town Engineer for approval.

Secondary (emergency) access will be provided at the southwest portion of the property near the Monterra South parcels. Access to the subject site will be provided off of a 33' roadway easement along Palmer Road and existing access easements along the south boundary of the property.

Selected interior roads within the subject site will include an all-weather fire access surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load or gross wheel position weight) and 80,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with the requirements of the Fire Code may be requested. This regulation will apply to any perimeter and divided access lanes. All roads must be stabilized to control dirt and dust.

The required turning radius of a fire apparatus access road shall have an inside turning radius of 25' and outside turning radius of not less than 48'. Dead-end fire

apparatus access roads in excess of 300 feet in length may be added with an approved turnaround, if required by the Fire Marshall.

Both access points to the site (primary and secondary /emergency) will be gated and secured. The gates will contain a "Knox-Box" for emergency services. Both access gates shall comply with the following:

- Minimum unobstructed width shall be not less than 202' in width.
- Location of gates shall be set back not to impede with the 50' paved apron from the intersecting roadway.
- Gates shall be the swinging or sliding type.
- Manuel opening gates shall be cable of being opened by the means of a "Knox Box" containing the key and installed at the gate location.
- Electric gates shall be equipped with means for operation by the Fire Department personal.

Approved address numbers and facility identification may be placed may be placed at the main and secondary entrance.

#### WATER AND SEWER

The proposed PVSF does not require water to help generate power. The project will employ photovoltaic (PV) modules which convert sunlight direct to energy without the use of heat transfer or cooling water. Water use at the proposed site would be limited to periodic cleaning of the solar panels, water needed for construction including dust control measures and service to the Operations and Maintenance (O&M) building if constructed. Landscaping plants/trees for the subject site require minimal water use and should be established within six months. Water will be provided by the existing irrigation wells and/or will be trucked to the project site.

Sewer will only be required for the project if an O&M building is constructed. Sewer service would be provided by Johnson Utilities, the Town of Florence, or by a septic system as approved by the Town Engineer and ADEQ.

#### LANDSCAPING AND ENTRY SIGNAGE

The landscape designs for the Sandstone Solar PVSF take into account both the immediate development as well as future development planning. This has been accomplished by providing landscape buffers where appropriate between Sandstone Solar and its surroundings as well as providing landscaping which help this project blend in with area surroundings.

Desert landscaping is proposed along the project entry within a landscaped area. Furthermore, landscaping is proposed along the north end of the property to

buffer views from Hunt Highway. Landscaping will consist of desert trees, plants, shrubs and 2"-6" fractured granite. A conceptual plant palette has been provided in Exhibit F in the Sandstone Solar DR Book dated April 30, 2015.

Entry signs and accent walls have been proposed next to the PVSF's primary entrance near the northwest corner of the property. Sign for the Sandstone Solar will be constructed per the details in Exhibit G within the DR Book dated April 30, 2015.

## PERIMETER WALL

For screening purposes and additional security, the applicant is proposing to secure the perimeter of the facility with a 6' block wall and a 6' chain link fence. A 6' block wall is proposed along the west and north sides of the property and a 6' chain link fence is proposed along the south and east sides of the property. Landscaping will be providing in a landscape area of the northern 6' block wall between the wall and the north property line to buffer views from Hunt Highway. The final materials and design for all walls are detailed in Exhibit H in the Sandstone Solar DR Book dated April 30, 2015.

Security measures will be installed as necessary to mitigate and/or deter unauthorized access. Access to the site will be controlled and gates will be installed at the roads entering the property.

## SITE LIGHTING

All lighting used for the external illumination parking and outdoor uses shall be directed down and away from adjacent properties and shall be designed to minimize glare. Outdoor lighting fixtures shall be arranged and shielded so that lightning shall not shine or reflect directly onto adjacent residential property. Compliance with local light control and dark sky regulations is required.

## SOLAR ARRAY

The typical PVSF will be designed for optimum performance and ease of maintenance, a series of PV module arrays will be mounted on racking systems supported typically by a pile driven foundation design. The foundation design will be determined based on a full geotechnical study. The module mounting system or racking system will be a fixed-tilt or tracker PV array configuration and will be oriented south to maximize the amount of incident solar radiation absorbed over the course of the year.

A series of PV arrays will be funneled and combined at combiner boxes located throughout the solar field, which will then be collected and combined prior to

feeding the inverters. The solar field will be laid out in PV block design allowing adequate access for maintenance in the way of clearances or access roads.

Inverters will be consolidated in areas to minimize cable routing and trenching, to ensure minimal electrical losses. The AC out from the inverters will be routed through an AC collection system and consolidated within system switchgear; the final output from the PVSF will be processed through a transformer to match the interconnection voltage. Electrical safety and protection systems will be provided to meet utility, ISO, and regulatory codes and standards. The energy will be delivered to the regional electrical distribution network.

## PHOTOVOLTAIC MODULES

The PVSF will require installation of PV modules, the actual total number of PV modules will ultimately depend on the technology selected, optimization evaluation and detailed design. The market conditions, economic considerations, and the environmental factors will be taken into account during the detail design process. The following Photovoltaic module technologies or equivalent are being considered for incorporation into the Project:

- PV thin-film technology.
- PV crystalline silicon technology.
- Fixed-tilt design for module configuration: This is a stationary design.

The modules configured with a fixed-tilt would be oriented toward the south and angled at a degree that would optimize solar resource efficiency. For the tracking configuration the modules would rotate from east to west over the course of the day. Module would be non-reflective and highly absorptive. During construction the PV modules would be delivered to the project location to support the installation schedule.

Staff contends that the this Design Review application meets and exceeds Town code requirements and notes that the applicant has attended Technical Review Committee (TRC) meetings with the Town Engineer, Fire Marshall and Community Development staff and has worked diligently to respond to staff concerns. Staff notes that the applicant has received letters of support from surrounding property owners.

In addition, S-Power, the applicant plans to develop the project as described herein. The Project facilities would operate year-round, producing electric power during daytime hours. The proposed schedule for construction is to begin site preparation and construction of the facility in the third quarter of 2015 and

anticipated to complete construction and be commercial operational by the fourth quarter of 2015.

Staff found that the request was in compliance with applicable Town Codes and is in keeping with the character established for this amended Design Review application. Therefore, staff hereby recommended approval of the amended Design Review application for **PZ-15-21 DR**, subject to the following conditions:

1. Construction of the solar photovoltaic facility shall conform to the exhibits presented on May 7, 2015, as may be amended by the conditions of approval.
2. The final materials and design for all walls, operation/maintenance building and block fencing will be subject to review and approval from the Community Development Director. The block perimeter fence and chain link fence will be required to be installed prior to receiving the issuance of final certificate of occupancy.
3. Project shall comply with all applicable Town codes, including all applicable building, fire and engineering codes.
4. Any exterior lighting on the property and on the buildings shall be in compliance with applicable light control restrictions.
5. Access and circulation plans subject to Town of Florence Engineer review and approval.
6. Compliance with this Design Review approval shall be required prior to issuance of Final Certificate of Occupancy.
7. Final grading and drainage plans subject to Town of Florence Engineer review and approval.

Commission members had various questions regarding the solar plant and traffic, which staff answered satisfactorily.

Garret Bean with Sustainable Power Group, a California resident, answered multiple technical questions from the Commission.

On motion of Commissioner Petty, seconded by Commissioner Garcia and carried to approve the amended Design Review application for the Sandstone Solar Power generating facility located south of Hunt Highway and east of the Attaway Road alignment within Monterra Planned Unit Development.

## **CALL TO THE PUBLIC/ COMMISSION RESPONSE:**

Call to the Public for public comment on issues within the jurisdiction of the Planning and Zoning Commission. Individual Commission members may respond to criticisms made, may ask staff to review a matter raised or may ask that a matter be put on a future agenda.

Mark Eckhoff, Community Development Director, stated that the Florence Future Foundation and Public Works Department are planting many trees around Town. At the moment they have planted Willow trees on Willow Street. The Foundation is also working with private property owners to plant additional trees within the downtown area.

## **CALL TO THE COMMISSION**


The Commission did not have any comments.

## **ADJOURNMENT**

On motion of Commissioner Garcia, seconded by Vice-Chairman Putrick and carried to approve the meeting adjournment at 7:03 pm.

X   
\_\_\_\_\_  
Chairman Gary Pranzo



	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u></b> <b>9a.</b>
<b>MEETING DATE:</b> July 20, 2015  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Jennifer Evans, Management Analyst  <b>SUBJECT:</b> Property Lease Policy		<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> <b>Regulatory</b> <input type="checkbox"/> <b>1<sup>st</sup> Reading</b> <input type="checkbox"/> <b>2<sup>nd</sup> Reading</b> <input type="checkbox"/> <b>Other</b>

**RECOMMENDED MOTION/ACTION:**

Approval of the Property Lease Policy that Supersedes the Silver King Marketplace Lease Policy.

**BACKGROUND/DISCUSSION:**

The Property Lease Policy provides guidance for leasing properties owned by the Town of Florence that currently includes the Silver King Marketplace and Brunenkant Building. The policy contains portions of the existing Silver King Marketplace Lease Policy that will be replaced by the Property Lease Policy.

Under the Property Lease Policy, properties are leased to a tenant for a specific use that is subject to the Town General Plan, zoning ordinances, and other regulations. Subleasing or assignment of leases will not be allowed. The policy also contains provisions that address tenant improvements, lease default, insurance, signage and performance standards.

The Request for Proposal process will be used to lease a property. Proposals will be evaluated on compatibility with neighboring uses, the development plan and timetable, business plan, capital investment, experience of applicant, financial capability, number of employees to be hired, proposed lease rate, and tax revenue generation. Once the proposals are evaluated, the Town Manager or designee will recommend the successful applicant for approval by the Town Council. All leases will be for one year with a mutual option for two, one-year renewals.

The Town seeks to maximize the value of its properties and lease them for the highest and best use. Properties may be rented on a gross lease basis at the fair market rental rate and assessed an administrative fee of 5% of the rental rate. The administrative fee offsets staffing costs associated with managing the leases. Fair market rent is defined as rental income that a public and private property would most likely command in the open market.

Factors that may be considered when determining the rental rate include, but are not limited to, the use of the property, the Town's economic development objectives, location of the property, or an alternative valuation methodology that may be negotiated by both parties. The Town Council may approve a lease for less than fair market rent if the motion approving the lease contains a finding that the lease is for a valuable public purpose or use.

### **FINANCIAL IMPACT:**

The financial impact of the Property Lease Policy will be determined by the lease rate charged for space at the Silver King Marketplace and Brunenkant Building in addition to the 5% administration fee that can be assessed on each lease. The Town will invoice tenants for utility charges at the Brunenkant Building and in each suite at the Silver King Marketplace.

Lease rates at the Silver King Marketplace vary based on the size of the suites. The Property Lease Policy specifies a range of lease rates for retail uses from \$2.50 to \$6.00/SF. Lease rates for non-retail businesses are between \$6.00 and \$10.00/SF. At \$3.00/SF, monthly rent ranges from \$142.50 in the smallest suite, to \$356.00/SF in the largest suite.

The financial impact of leasing the Brunenkant Building could be as much as \$1,361.12 per month in revenue. The Brunenkant Building is 2,682/SF. If the current average lease rate of \$5.80/SF was charged then rent would be \$1,296.30 per month. With the 5% administrative fee, \$64.82 would be added to the rent for a total of \$1,361.12 per month. If the lease rate is \$3.00/SF then rent would be \$670.50 per month, plus the \$33.52 administrative fee, for a total of \$704.02 per month.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Property Lease Policy that will supersede the Silver King Marketplace Lease Policy.

### **ATTACHMENTS:**

Property Lease Policy

**Town of Florence**



<b>POLICY TITLE:</b> PROPERTY LEASE POLICY	<b>EFFECTIVE DATE:</b>
<b>RESPONSIBLE DEPARTMENT:</b> Administration	<b>AP / RESOLUTION No.:</b> Resolution No.
<b>APPROVAL:</b> <input type="checkbox"/> TOWN MANAGER    SIGNATURE: _____ <input checked="" type="checkbox"/> TOWN COUNCIL    DATE APPROVED: _____	<b>REFERENCES:</b>

**1.0 Purpose**

Provide guidance and outline procedures for all leasing activities on properties owned by the Town of Florence.

**2.0 Scope**

The policy applies to surplus properties owned by the Town of Florence. The properties are not required for current municipal use, but can be leased on an interim basis and held for possible future use.

**3.0 Responsibilities**

- 3.1 The Town Council has responsibility for approving and adopting the lease policies and for final approval of all leases.
- 3.2 The Town Manager, or designee, is responsible for all lease negotiation activities and for implementing and administering the lease policies and procedures.
- 3.3 The Town Finance Department is responsible for the billing and collection of all rents, utilities, and late payments.

**4.0 Policies**

**4.1 General**

- 4.11 The Town of Florence will lease property when it is in the overall best interest of the Town to do so. The Town will seek to maximize the value of its assets and lease property for the highest and best use.
- 4.12 The Town will implement its leasing program in a fair and nondiscriminatory manner and in accordance with all local, state and

federal legal requirements. Opportunities for leases on Town owned properties will be made available to the public through the request for proposal process described herein.

4.13 The Town will lease property to a tenant for a specific purpose or use. Leasing for the purpose of speculation, subleasing, or assignment of leases is not allowed.

4.14 All properties, identified as available for lease by the Town of Florence, shall be subject to the lease policies and procedures contained herein.

## **4.2 Acceptable and Unacceptable Uses**

4.21 All uses and activities on properties made available for lease are subject to the Town General Plan, zoning ordinances and other applicable local, state, and federal laws and regulations.

4.22 The Town Council may restrict specific Town properties to certain uses or classes of use. Such properties will be available for leasing only for such uses.

4.23 Businesses whose primary purpose is office and administrative operations are prohibited from leasing a suite on the ground level of the Silver King Marketplace. The second floor space is available for both retail and non-retail uses.

4.24 Leases in the Silver King Marketplace are not extended to residential dwellings, clubs, and membership organizations.

4.25 Space within the Silver King Marketplace will not be leased or rented on a temporary basis for special events. Tenants of the Silver King Marketplace may hold special events in as much as these events are within the confines of their regular business and are meant to increase foot traffic to the tenant's business.

4.26 Businesses leasing space in the Silver King Marketplace should promote foot traffic, contribute to the vibrancy of the downtown and not be considered a prohibited use in accordance with Section 6.0 of this policy.

## **5.0 Procedures**

### **5.1 Requests for Proposal Procedures and Evaluation Process**

5.11 A submitted proposal shall include:

5.111 A clear and precise narrative description of the proposed use of the property.

- 5.112 A specific time schedule and benchmarks for development.
  - 5.113 Any other information that is directly pertinent to the proposal scoring criteria contained in Section 5.13.
  - 5.114 Other required attachments may be requested including, but not limited to, applicant information, business plan, site plan, certificate of insurance, financial information, partnership or corporation statement, and references.
  - 5.115 Any other information required by the Town of Florence.
- 5.12 All proposals shall be evaluated by the Town Manager or designee.
- 5.13 The criteria for evaluating proposals shall include, but is not limited to the following:
- 5.131 Compatibility with neighboring uses and consistency with applicable land use regulations including the General Plan.
  - 5.132 The development plan including all proposed phases and timetables.
  - 5.133 Submittal of a business plan.
  - 5.134 Experience of the applicant in the proposed business or venture.
  - 5.135 Financial capability or backing of the applicant including credit history, prior lease history, and assets that will be used to support the proposed development.
  - 5.136 The number of employees that will be hired.
  - 5.137 The proposed rental rate.
  - 5.138 Other financial impacts such as tax revenues, stimulation of related or spin-off economic development.
  - 5.139 Other long term social and economic development.
- 5.14 After evaluating the proposals, the Town Manager or designee shall make a recommendation on a successful applicant to the Town Council. The recommendation shall be forwarded with the lease document for presentation to the Town Council for approval.
- 5.15 The Town Council shall approve the proposed lease, disapprove the proposed lease, or remand the unapproved lease to the Town Manager with comments.

## **5.2 Lease Implementation**

5.21 The Town Manager or designee may develop one or more standardized building leases, as many as necessary to apply to each Town building available for leasing, containing standard provisions applicable to all leases of space in a Town owned building. The standard lease documents shall be reviewed by the Town Attorney, approved by the Town Council, and executed by the Mayor.

5.22 The Town Manager or designee is responsible for lease negotiations, including any negotiated changes in the standard lease terms. The Town Manager or designee shall take into consideration the following when negotiating the terms of the lease:

5.221 The nature of the proposed use.

5.222 The type and cost of the improvements to be placed in or on the property, and whether such improvements shall remain in or on the property after the expiration or termination of the lease.

5.223 Period of time required to amortize the improvements.

5.224 Overall benefit to the Town.

5.225 Consistency with the General Plan and all other relevant land use codes and regulations.

5.226 Date of commencement and completion of improvements.

5.227 Other factors deemed relevant by the Town Manager or designee.

## **5.3 Lease Rental Rates and Payments**

### **5.31 General Lease Rental Rates**

5.311 Properties shall be rented on a gross lease basis at fair market rent. An administrative fee of 5% of the rental rate will be assessed on all leases. Government property lease excise tax will be assessed in accordance with A.R.S. § 42-6201 et seq.

5.312 Payment of a higher than market rate resulting from an applicant's proposal is generally in the public interest and will help to establish fair market rent using current market forces.

5.313 The Town Council may approve a lease of Town property for less than fair market rent only if the motion approving the lease contains

a finding that the lease is for a valuable public purpose or use and it states such public purpose or use.

5.314 A security deposit of no less than one month rent is paid by the tenant upon approval of the lease by the Town Council. The deposit may be increased or decreased depending on the type of business, length of lease and information in the business plan.

5.315 Lease rental rates at the Silver King Marketplace range from \$2.50 to \$6.00 per square foot for retail businesses. Rent for non-retail businesses is \$6.00 to \$10.00 per square foot.

5.32 Rental Rate Determination: Factors that may be considered when determining the specific lease rate for individual leases include:

5.321 The highest and best use of the property.

5.322 The Town's economic development objectives.

5.323 The location of the property.

5.324 Alternative valuation methodologies as negotiated by both parties.

5.325 Parameters set out by the Town Council under Section 5.31.

### 5.33 Utilities

5.331 The Town of Florence will maintain accounts for electric, water, and gas service, as applicable. Tenants will be invoiced for utility costs on a monthly basis.

5.332 The Town bears the costs for the common area square footage and costs associated with the dedicated phone line used for the fire suppression system. The tenant bears the full costs of all cable, internet, and telephone service, if so elected, including deposits, setup, and cancellation fees. The Town reserves the right to adjust the utility rate semi-annually.

### 5.34 Collection of payment

Payment of rent and utilities are due on the first day of each month. If the first day of the month falls on a Saturday, Sunday or holiday then the rent shall be due the next regular business day. The tenant has a five-day grace period and it is the sole responsibility of the tenant to pay their rent and utilities at the beginning of each month. The Town will assess a \$25 late fee after the five day grace period. The Town will also assess returned check fees, pursuant to local laws and regulations.

## **5.4 Tenant Improvements**

- 5.41 All tenant improvement requests must be submitted, in writing, when the lease application is submitted to the Town of Florence. The tenant may also submit tenant improvement requests, in writing, after the lease has been accepted by the Town. All tenant improvement requests must be approved by the Town Manager or designee prior to construction.
- 5.42 All tenant improvements which require a building permit must be performed by a licensed commercial contractor and approved by Town staff.
- 5.43 If a building permit is required, the tenant must follow the Town's processes and procedures to obtain a building permit from the Community Development Department.
- 5.44 If a tenant improvement is permanent in nature (e.g. flooring and lighting) and adds value to the leased space, the Town Manager or designee makes the final determination whether the proposed improvements are acceptable prior to the tenant making the improvement.

## **5.5 Duration and Conclusion of Leases**

- 5.51 All leases are for one year with a mutual option for two one-year renewals. The term may be shorter or longer depending on the tenant, potential tenant improvements and preference of the Town.
- 5.52 A lease is terminated when the lease expires, the tenant provides proper notification per the lease or the tenant defaults per the lease agreement.
- 5.53 Any unpaid amount owed to the Town by the tenant requires the Town to follow debt collection procedures. This may include Town staff making collection calls, referring the debt to a collection agency, or requesting the Town Attorney to initiate legal action on the lease agreement.
- 5.54 At the end of the lease, the Town conducts an inspection of the premises and documents any damages. The estimated damage amount is removed from the security deposit. If the estimated damage amount exceeds the security deposit, the Town will charge the tenant for the remaining balance of repairs. Any remaining balance of the security deposit is returned to the tenant 30 days after the lease has expired.
- 5.55 Lease Default
  - 5.551 If the tenant does not perform the types of services as outlined in their business plan, becomes 30 days delinquent on lease



payments, or fails to meet the covenants of the lease, the Town declares a landlord lien and begins the eviction process.

5.552 When the Town declares a landlord lien, a certified letter is sent to the tenant informing them of the landlord lien. The Town also enters the premises to post a notice of the landlord lien and lock the leased premises. The tenant will have five business days from the post date of the letter to respond and satisfy the outstanding issues identified. If no action is taken to remedy the cause of termination of the lease, the Town will either sell the merchandise and equipment within the space to satisfy any delinquency or will remove the contents of the space and store the items off-site at the tenant's expense. If a termination occurs, the tenant forgoes any and all rights to the security deposit and the tenant is assessed a \$150 re-key fee.

#### 5.56 Conclusion of Lease

5.561 Tenant improvements constructed by the tenant shall be left in place unless removal is authorized or required by the provisions of the lease. If the lease authorizes or requires removal of improvements, they may be removed prior to the conclusion of the lease if doing so would not damage the leased property or adjoining properties. Removing improvements shall be coordinated with and approved by the Town Manager or designee prior to commencement of activities.

5.562 Unless otherwise agreed to by parties, when the tenant is authorized or required to remove improvements, the tenant shall remove all improvements made on the property by tenant prior to termination of the lease.

5.563 When authorized or required to remove improvements, if tenant fails to do so prior to the termination date of the lease, tenant shall forfeit the improvements to the Town and shall receive no compensation. The Town may require the tenant to pay to the Town the costs incurred by the Town in removing and disposing of the improvements.

5.564 Unless otherwise provided in the lease, or agreed to in writing by the parties, the tenant shall restore the property to the same condition it was in at the time the lease was executed by the tenant.

### **5.6 Insurance**

5.61 The tenant must provide the Town of Florence with a copy of the insurance policy naming the Town, its agents, officers, officials and employees as additional insured. The tenant must have coverage of a least \$1,000,000

of comprehensive public liability (i.e. bodily injury, broad form property damage, personal injury and blanket contractual coverage) and \$1,000,000 per each occurrence. If the tenant's operations require the use of open flame, tenant will also provide insurance coverage for fire and casualty on the leased premises in an amount sufficient to provide replacement cost of the leased premises. The Town Manager or designee may raise the required amount at his/her discretion depending upon trends in the insurance industry, value of the building and the tenant's business.

5.62 Certificates of Insurance showing the required insurance is in effect and identifying the Town of Florence as an additional insured shall be provided to the Town of Florence initially at the time a lease becomes effective and annually thereafter, and upon every change in insurance provider or insurance coverage.

5.63 All insurance policies must be in effect for the duration of the lease term, or longer if stated in the lease, and the Town must be notified of any changes to policies.

## **5.7 Hazardous Materials**

5.71 The tenant shall not allow hazardous materials to be used or kept on Town property, except as specifically permitted or necessary for the tenant's lawful use and approved of the property.

5.72 The tenant's use of hazardous materials, if permitted, shall comply with all applicable laws and regulations.

5.73 The tenant shall not pollute or contaminate the environment with discharges, leaks, or emissions of hazardous materials.

5.74 The tenant shall be required to promptly notify the appropriate authorities and the Town of any discharge or spill and to clean up the impacted area at tenant's own expense in compliance with applicable laws.

5.75 Tenant shall be fully liable for all damages, costs and expenses related to a violation of the terms of the lease with respect to the use, storage, cleanup, remediation, or disposal of hazardous materials.

## **5.8 Signage**

5.81 The tenant has the right, at its sole risk and expense, to erect and thereafter, to repair or replace, if the tenant so elects, signs on the exterior of the leased property. The tenant must remove any such signs within 15 days after termination of the lease and repair all damage occasioned thereby to the leased premises at the tenant's sole cost and expense.

- 5.82 Any and all signage erected by the tenant must conform to all applicable laws and ordinances outlined in Town Code Chapter 150, Part 3 (Sign Regulations).
- 5.83 Tenants will pay a fee of \$75 for an exterior sign on the east side of the Silver King Marketplace at the time of the lease. The signage fee is non-refundable and covers the cost and proper hanging of the sign. The tenant provides the Town with the business name and, if necessary, the services it provides. More extensive signs, such as additional rider shingle signs, may require a higher signage fee, per the discretion of the Town Manager or designee.

## **5.9 Performance Standards**

- 5.91 All properties leased by the Town are to be maintained in a proper, safe, clean, and orderly fashion taking into consideration its permitted use, surrounding properties, zoning, and other applicable laws and regulations.
- 5.92 The Town of Florence reserves the right to enter leased property and the structures thereon at all reasonable times. This includes regular annual inspections.
- 5.93 All commercial structures shall at all times be in compliance with applicable building, fire, mechanical, electrical and other regulations.
- 5.94 Applicable building code and fire marshal inspections must be performed and certified to the Town upon completion of all renovations, remodels, and/or new construction.
- 5.95 Easements or rights-of-way on the leased parcel shall not be used in any way that interferes with the rights of the holders or any person(s) lawfully using the easement or right-of-way.
- 5.96 Easements or rights-of-way outside of the leased parcel and/or immediately adjacent to it shall not be used for storage, parking, or any other unauthorized uses.
- 5.97 Failure to comply with the performance standards listed in this section or any other provisions or stipulations contained in the lease are grounds for termination of the lease if the tenant does not rectify the problem after reasonable notice by the Town.

## **6.0 Definitions**

- 6.1 Fair Market Rent:** Rental income that a public and private property would most likely command in the open market; indicated by the current rents paid for comparable space.

**6.2 Tenant Improvements:** Any changes made to the interior of a tenant space within the property to accommodate the individual needs of the leased space, such as flooring, wall coverings, window coverings, ceilings, partitions, air conditioning, fire protection and security.

**6.3 Landlord Lien:** Lien placed on a tenant's property for the satisfaction of unpaid rent or property damage.

**6.4 Prohibited Uses:** Neither the Town nor the tenant shall permit the following uses inside or on the premises of the Silver King Marketplace:

Manufacturing or industrial purposes.

Sale, distribution or display of any drug paraphernalia primarily used in the use or ingestion of illicit drugs.

Any purpose prohibited by law.

A tattoo or piercing parlor.

Any off-track betting club or facility.

Any operation primarily used as a storage facility.

An adult bookstore or facility selling or displaying pornographic books, literature or videotapes.


Church or place of worship, not to include religious bookstores or other ecclesiastical retail goods.

A pawn shop.

A gun shop.

## **7.0 Supplemental Forms**

Standard Lease Agreement

	<b>TOWN OF FLORENCE COUNCIL ACTION FORM</b>	<b><u>AGENDA ITEM</u> 9b.</b>
<b>MEETING DATE:</b> July 20, 2015  <b>DEPARTMENT:</b> Administration  <b>STAFF PRESENTER:</b> Jennifer Evans, Management Analyst  <b>SUBJECT:</b> Silver King Marketplace Lease Agreement with Bucks 4 Style, LLC	<input checked="" type="checkbox"/> <b>Action</b> <input type="checkbox"/> <b>Information Only</b> <input type="checkbox"/> <b>Public Hearing</b> <input type="checkbox"/> <b>Resolution</b> <input type="checkbox"/> <b>Ordinance</b> <input type="checkbox"/> Regulatory <input type="checkbox"/> 1 <sup>st</sup> Reading <input type="checkbox"/> 2 <sup>nd</sup> Reading <input type="checkbox"/> <b>Other</b>	

**RECOMMENDED MOTION/ACTION:**

A motion to approve the lease agreement between the Town of Florence and Bucks 4 Style, LLC, for Suite 102 at the Silver King Marketplace.

**BACKGROUND/DISCUSSION:**

Bucks 4 Style, LLC, is a consignment shop currently located at 390 North Main Street, adjacent to the Silver King Marketplace. Bucks 4 Style, LLC, is owned and operated by Kim Ehlebracht and has been open for one year. Ms. Ehlebracht wants to move to the Silver King Marketplace because the open floorplan of Suite 102 will make the store layout more functional and enhance her customers' shopping experience. The proposed use of Suite 102 as a retail consignment shop conforms to existing Downtown Commercial (DC) zoning and adheres to the Silver King Marketplace Lease Policy.

Bucks 4 Style, LLC, offers quality, gently used clothing at value prices for men and women. Moving into Suite 102 will allow for the addition of a limited selection of children's clothing. The vision of Bucks 4 Style, LLC, is to become a destination retail store that is locally owned and gives customers the same level of service as chain consignment stores. Bucks 4 Style, LLC, strives to offer fashionable clothing at inexpensive prices with the highest level of customer service.

**FINANCIAL IMPACT:**

The term of the lease is from August 1, 2015 through July 31, 2016. The monthly rent will be \$356 and the tenant will pay for the cost of utilities each month as invoiced by the Town. Tenant will also pay a \$356 security deposit.

**STAFF RECOMMENDATION:**

Staff recommends approval of the lease with Bucks 4 Style, LLC.

**ATTACHMENTS:**

Silver King Marketplace Lease Agreement  
Business Plan  
Floor Plan

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**SILVER KING MARKET PLACE LEASE AGREEMENT**

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TOWN OF FLORENCE, ARIZONA,  
an Arizona municipal corporation

AND

BUCKS 4 STYLE, LLC  
an Arizona limited liability company

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DATE: As of August 1, 2015

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## SILVER KING MARKET PLACE LEASE AGREEMENT

This Silver King Market Place Lease Agreement (this "Lease") is made and entered into as of the **1st day of August, 2015** by Town of Florence, an Arizona municipal corporation, hereinafter called "Landlord", and Bucks 4 Style, LLC, an Arizona limited liability company, hereinafter called "Tenant".

### 1. LEASED PREMISES

For and in consideration of the rent to be paid and of the covenants and agreements of Tenant as hereinafter set forth, Landlord does hereby lease 1,424 square feet to Tenant of the premises located at 440 N. Main Street, Suite 102, Florence, Arizona, also known as the Silver King Market Place, and hereinafter referred to as the "Premises", or, the "Leased Premises". The Leased Premises are also described as Suite 102, which is located at the north end of the building in which the Premises are located (the "Building") on the ground floor.

### 2. TERM

The Lease term shall begin on the **1st day of August, 2015** and end on the **31st day of July, 2016** (the "Initial Term"). Landlord shall use commercially reasonable efforts to put Tenant in possession of the Leased Premises at the beginning of the Initial Term. If Landlord is unable to timely provide the Leased Premises for occupancy by Tenant, rent shall abate for the period of delay. Tenant agrees it shall make no other claim against Landlord for any such delay.

### 3. EXTENSIONS

The parties hereto may elect to extend the Initial Term upon such terms and conditions as may be agreed upon in writing and signed by the parties at the time of any such election; provided that Tenant gives notice of its request to extend the Initial Term no later than sixty (60) days prior to the expiration of the Initial Term. If Tenant does not elect to extend the Initial Term in accordance with this paragraph, this Lease shall end on the **31st day of July, 2016** (the "Expiration Date") and thereafter Tenant may only occupy the Premises on a month-to-month basis. Such month-to-month tenancy may be terminated by Landlord upon thirty (30) days notice to Tenant. Landlord's acceptance of rent payments after the Expiration Date shall not constitute a renewal of this Lease Agreement.

### 4. RENTS

Rent shall be paid at the rate of **three hundred fifty six dollars (\$356.00)** per month for the duration of this Lease. In addition to the rent, Tenant is responsible for any commercial property lease transaction privilege tax and government property lease excise tax. Each monthly payment of rent due thereafter shall be payable on the first day of each calendar month for the balance of the Initial Term, together with such taxes.



Payment of rent shall be made to Landlord at Town of Florence, P.O. Box 2670, 775 North Main Street, Florence, Arizona 85132, or at such other place designated by written notice from Landlord. The rental payment amount for any partial calendar months included in the Lease term shall be prorated on a daily basis. If rent is not received by the close of the 5<sup>th</sup> business day then a late fee of \$25.00 will be added to Tenant's account and past-due rent shall bear interest at the rate of ten per cent (10%) per annum from the date due (*i.e.*, the first day of each month) until paid.

#### 5. SECURITY DEPOSIT

Tenant has deposited with Landlord the sum of **three hundred fifty six dollars (\$356.00)** as security for the full and faithful performance by Tenant of all the terms of this Lease required to be performed by Tenant. Such sum shall be returned to Tenant after the expiration of this Lease; provided Tenant has fully and faithfully carried out all of its terms. At the expiration of this Lease or such other time as Tenant may properly request the return of the Security Deposit, Landlord shall make an inspection of the Leased Premises and deduct from the Security Deposit such sums as are necessary to repair and refurbish the Leased Premises to the condition which existed prior to Tenant's occupancy thereof. In the event of a bona fide sale of the Building of which the Leased Premises are a part, Landlord shall have the right to transfer the security to the purchaser to be held under the terms of this lease, and Landlord shall be released from all liability for the return of such security to Tenant.

#### 6. PURPOSE

A. Landlord is maintaining the Silver King Market Place for the development of new businesses within the historical/downtown area of the Town of Florence. It is Landlord's desire to endeavor to assist in the creation of new businesses by providing a leasing environment contemplated to assist such new businesses.

B. Tenant shall use the Leased Premises for the purpose of conducting the business of retail clothing consignment and for no other purpose without Landlord's express prior written consent. This use must also be and remain consistent with Exhibit "A". In the event Tenant desires to use the Leased Premises for a different business purpose not described above, Tenant shall first apply, in writing, for approval for such use to the Town of Florence. As a further condition of this Lease, Tenant must also maintain regular business hours and be open for at least thirty five (35) hours per week with exception of holidays. When business enhancement classes are offered free of charge, Tenant shall make every effort to send one or more representatives to attend these programs.

C. If Tenant fails to meet any of these requirements, then Landlord may terminate this Lease after providing Tenant no less than thirty (30) days written notice of Landlord's intent to terminate this Lease. If Tenant does not satisfy the above conditions or otherwise cure the deficiencies indicated in the notice within thirty (30) days, Landlord may terminate this Lease as provided in Section 17 below.

The Premises shall not be used in violation of this Lease, any zoning laws applicable to the Premises or in violation of any federal, state or local laws or regulations.

#### 7. PROHIBITED USES

Notwithstanding the forgoing, Tenant shall not use the Leased Premises for the purposes of storing, manufacturing or selling any explosives, flammables or other inherently dangerous substance, chemical, thing or device. All uses must conform to the zoning code of the Town of Florence and the Property Lease Policy, both as promulgated by Town from time to time.

#### 8. SUBLEASE AND ASSIGNMENT

A. Tenant shall not sublet or assign this Lease without Landlord's consent. To assign this Lease to a business with which Tenant may merge or consolidate, to any subsidiary of Tenant, to any corporation under common control with Tenant, or to a purchaser of substantially all of Tenant's assets Tenant must receive either written consent from Landlord (not to be unreasonably withheld) or enter into a new lease agreement reasonably satisfactory to both parties.

B. Except as set forth above, neither Tenant nor any assignee may sublease all or any part of the Leased Premises, or assign this Lease in whole or in part, without Landlord's written consent.

#### 9. REPAIRS

During the Lease term, Tenant shall make, at Tenant's expense, all necessary repairs and refurbishment of the Leased Premises. Repair and refurbishment shall include, but is not limited to, the repair and refurbishment of normal wear and tear to floors, walls, ceilings, and other parts of the Leased Premises caused by Tenant's use and enjoyment of the Leased Premises, except for major mechanical systems or the roof (so long as damage thereto is not caused, in whole or in part, by the acts or omissions of Tenant, its invitees or those under Tenant's direction and control), subject to the obligations of the parties as may otherwise be set forth in this Lease.

#### 10. TENANT IMPROVEMENTS

A. Tenant, at Tenant's expense, shall have the right to remodel, redecorate or make additions, improvements and replacements to all or any part of the Leased Premises from time to time as Tenant may deem desirable (the "Tenant Modifications"); provided the same are made in a workmanlike manner, lien free, in accordance with all codes and utilizing good quality materials. Tenant must obtain the written consent of Landlord prior to undertaking any such Tenant Modifications. Tenant shall have the right to place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises, and fasten the same to the Leased Premises. All

personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the Lease term or placed or installed on the Leased Premises by Tenant thereafter, shall remain Tenant's property free and clear of any claim by Landlord. Tenant shall have the right to remove the same at any time during the term of this Lease but not after ten (10) days after the expiration thereof, provided that such removal does not cause any damage to the Premises. Any damage caused by the removal of Tenant's personal property shall be repaired by Tenant at Tenant's expense. If Tenant fails to repair any such damage Landlord may repair the damage and deduct the costs thereof from Tenant's security deposit, with Tenant remaining liable for the excess, if any, over the security deposit. At the expiration of this Lease, at Landlord's direction, Tenant shall remove any such personal property from the Leased Premises at Tenant's sole cost and expense, repairing any damage to the Leased Premises occasioned thereby.

B. Tenant may have prepared plans and specifications for the construction of Tenant Modifications, and, if so, such plans and specifications are attached hereto as Exhibit "B" and incorporated herein by reference. Tenant shall obtain all certificates, permits, licenses and other authorizations of governmental bodies or authorities which are necessary to permit the construction of the improvements on the Leased Premises and shall keep the same in full force and effect at Tenant's cost.

C. Tenant shall negotiate, let and supervise all contracts for the furnishing of services, labor and materials for the construction of Tenant Modifications on the Leased Premises at its sole cost and expense. All such contracts shall require the contracting party to guarantee performance and all workmanship and materials installed by it for a period of one year following the date of completion of construction. Tenant shall cause all contracts to be fully and completely performed in a good and workmanlike manner and lien free, all to the effect that the improvements shall be fully and completely constructed and installed in accordance with good engineering and construction practice. Tenant shall include in any contract for the construction of Tenant Modifications a requirement that bonds in the full amount of the contract sum be furnished guaranteeing the faithful performance of the contract requirements and the payment of any and all subcontractors.

D. During the course of Tenant Modifications, Tenant shall, at its cost, keep in full force and effect a policy of builder's risk and liability insurance in a sum equal to three times the amount expended for construction of the improvements. All risk of loss or damage to the improvements during the course of construction shall be on Tenant with the proceeds from insurance thereon payable to Landlord.

E. Nothing herein shall alter the intent of the parties that Tenant shall be fully and completely responsible for all aspects pertaining to the construction of Tenant Modifications to Leased Premises and for the payment of all costs associated therewith. Landlord shall be under no duty to investigate or verify Tenant's compliance with the provisions contained herein. Moreover, neither Tenant nor any third party may construe

the permission granted Tenant hereunder to create any responsibility on the part of Landlord to pay for any improvements, alterations or repairs occasioned by Tenant.

## 11. UTILITIES

Landlord shall pay the amount due for charges for water, sewer, gas, and electricity and separately invoice Tenant for Tenant's share of the charges as determined by Landlord in its reasonable judgment utilizing any reasonable method of apportionment. Tenant shall pay the utilities invoice upon the due date. Tenant shall be responsible for all of its own telecommunications/cable/Internet charges.

Tenant acknowledges that the Leased Premises are designed to provide standard office or retail use electrical facilities and standard office lighting. Tenant shall not use any equipment or devices that utilize excessive electrical energy or which may, in Landlord's reasonable opinion, overload the wiring or interfere with electrical services to other tenants.

## 12. SIGNAGE

A. Exterior Signs. Landlord will provide one exterior sign located on the east side of the Building. Tenant shall have the right, at its sole risk and expense and in conformity with applicable laws and ordinances, to erect and thereafter, to repair or replace, if it shall so elect, signs on any portion of the Leased Premises provided that Tenant shall remove any such signs upon termination of this Lease, and repair all damage occasioned thereby to the Leased Premises, all at Tenant's sole cost and expense.

B. Interior Signs. Tenant shall have the right, at its sole risk and expense and in conformity with applicable laws and ordinances, to erect, maintain, place and install its usual and customary signs and fixtures in the interior of the Leased Premises.

C. A fee of seventy five dollars (\$75.00) will be charged at the time of the security deposit. This deposit is non refundable and will be used for the sign hanging of the east side of the building. Tenant will provide Landlord with the business name and if necessary, the services they will provide.

## 13. ENTRY

Landlord shall have the right to enter upon the Leased Premises at reasonable hours (absent emergency [during which Landlord may enter to inspect/endeavor to abate emergency]) to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenant's business on the Leased Premises.

## 14. PARKING

During the term of this Lease, Tenant shall have the non-exclusive use in common with Landlord, other tenants of the Building, their guests and invitees, of the non-reserved

common automobile parking areas, driveways, and footways, subject to rules and regulations for the use thereof as prescribed from time to time by Landlord. Landlord reserves the right to designate parking areas within the Building or in reasonable proximity thereto, for Tenant and Tenant's agents and employees or for others within or utilizing the Building.

#### 15. MECHANIC'S AND OTHER LIENS

Tenant shall pay before delinquent all sums of money which, if unpaid, would entitle any person to a mechanic's or material supplier's or laborer's lien against the Leased Premises, or on Tenant's interest under this Lease. Tenant agrees that it will neither do any act, nor fail to do any act, which would result in the recordation of any lien against the Leased Premises, the Building or the Silver King Market Place as a whole.

#### 16. INSURANCE AND INDEMNIFICATION

##### A. INDEMNIFICATION

(i) To the fullest extent permitted by law, Tenant shall defend, indemnify and hold harmless Landlord (*i.e.*, the Town of Florence), its agents, officers, officials (whether elected or not), attorneys and employees (collectively, the "Indemnified Parties") from, of and against all claims, damages, losses and expenses (including, but not limited to, attorneys' fees [whether or not suit is brought], court costs, and the cost of appellate proceedings), relating to, arising out of, or alleged to have resulted either wholly or in part from the acts, errors, mistakes, omissions, work or services of Tenant, its agents, employees, contractors, subcontractors or business invitees in the performance of this Agreement, and regardless of whether or not such claim, damages, loss or expenses are caused in part by Landlord.

(ii) Tenant's duty to defend, hold harmless and indemnify the Indemnified Parties and each of them shall arise in connection with any claims, damages, losses or expenses that are attributable to bodily injury, sickness, disease, death, or injury to, impairment, or destruction of property including loss of use resulting therefrom, caused either wholly or in part by Tenant's acts, errors, mistakes, omissions, work or services in the performance of this Agreement including any employee or business invitee of Tenant or any other person for whose acts, errors, mistakes, omissions, work or services Tenant may be legally liable, and regardless of whether or not such claim, damages, losses or expenses are caused in part by Landlord.

(iii) The amount and type of insurance coverage requirements set forth herein will in no way be construed as limiting the scope of the indemnity in this paragraph 16A.

##### B. INSURANCE REQUIREMENTS

(i) Tenant, at Tenant's own expense, shall purchase and maintain the herein stipulated minimum insurance with companies duly licensed, possessing a current A.M.

Best, Inc. rating of "A", or approved and licensed to do business in the State of Arizona with policies and forms satisfactory to Landlord.

(ii) All insurance required herein shall be maintained in full force and effect during any term of this Lease; failure to do so may, at the sole discretion of Landlord, constitute a material breach of this Lease.

(iii) Tenant's insurance shall be primary insurance, and any insurance or self-insurance maintained by Landlord shall not contribute to it. Any failure to comply with the claim reporting provisions of the policies or any breach of an insurance policy warranty shall not affect coverage afforded under the policy to protect Landlord.

(iv) The insurance policies required by this Agreement shall name Landlord and any other Indemnified Parties designate by Landlord as Additional Insured(s).

### C. REQUIRED COVERAGES

#### (i) General Liability/Contractual Indemnity

(a) Tenant shall, at Tenant's expense, maintain a policy of comprehensive public liability insurance with a limit of not less than \$1,000,000 for each occurrence and with a \$1,000,000 General Aggregate Limit. The policy shall include coverage for bodily injury, broad form property damage, personal injury, and blanket contractual coverage including, but not limited to, the liability assumed under the indemnification provisions of this Agreement, which coverage will be at least as broad as Insurance Service Office, Inc. Policy Form CG 000211093 (October 2001 version). The coverage shall not exclude X, C, U.

(b) Such policy shall contain a severability of interest provision, and shall not contain a sunset provision or commutation clause, nor any provision, which would serve to limit third party action over claims.

(c) The Commercial General Liability additional insured endorsement shall be at least as broad as the Insurance Service Office, Inc.'s, Additional Insured, Form B, CG2O101185 (October 2001 version).

#### (ii) Property Insurance

(a) Landlord shall obtain and keep in force during any term of this Lease, a policy or policies of insurance covering loss or damage to the Leased Premises, in the amount of the full replacement value thereof, providing protection against all perils included within the classification of fire, flood, extended coverage, vandalism, malicious mischief and special extended perils.

(b) Tenant shall obtain and keep in force during any term of this Lease, a policy or policies of insurance covering loss or damage to the contents of the Leased Premises.

Tenant agrees that Landlord shall not be liable for injury to Tenant's business or any loss of income there from, or for loss or damage to goods, wares, merchandise or other property in or on the Leased premises owned or belonging to Tenant, Tenant's employees, invitees, customers, or any other person in or about the Leased Premises; nor shall Landlord be liable for injury to the person of Tenant, Tenant's employees, invitees, agents or contractors, whether such damage or injury to persons or property is caused by or results from fire, steam, electricity, gas, water or rain, or from the breakage, leakage, obstruction, or other defects of pipes, sprinklers, wires, appliances, plumbing, air conditioning, or light fixtures or from any other cause; or whether the said damage or injury to person or property results from conditions arising upon the Leased Premises or from other sources or places, and regardless of whether the cause of such damage or injury or the means of repairing the same is inaccessible to Tenant.

(iii) Certificates of Insurance

(a) Prior to delivery of possession of the Leased Premises to Tenant, Tenant shall furnish Landlord with proof of payment acceptable to Landlord of any required coverages hereunder, together with Certificates of Insurance, or formal endorsements as required by this Lease, issued by Tenant's insurer(s), as evidence that policies providing the required coverage, conditions and limits required by this Lease are in full force and effect.

(b) In the event any insurance policy(ies) required by this Lease is (are) written on a "claims made" basis, coverage shall extend for two years past the expiration of any term of this Lease as evidenced by annual Certificates of Insurance.

(c) If a policy does expire during any term of this Lease, a renewal certificate must be sent to Landlord fifteen (15) days prior to the expiration date.

17. DEFAULTS AND REMEDIES

A. DEFAULTS

The occurrence of any one or more of the following events shall constitute a material default and breach of this Lease by Tenant:

(i) The vacating or abandonment of the Leased Premises by Tenant;

(ii) The failure by Tenant to make any payment of rent or any other payment required to be made by Tenant hereunder, as and when due;

(iii) The failure by Tenant to observe or perform any of the covenants, conditions, or provisions of this Lease to be observed or performed by Tenant, other than described in subsection (ii) above, where such failure shall continue for a period of fifteen (15) days after written notice hereof from Landlord to Tenant; provided, however, that if the nature of Tenant's default is such that more than fifteen (15) days are reasonably required for

its cure, then Tenant shall not be deemed to be in default if Tenant commenced such cure within said fifteen (15) day period and thereafter diligently prosecutes such cure to completion, such additional time to complete not to exceed thirty (30) additional days;

(iv) The making by Tenant of any general arrangement for the benefit of creditors; the filing by or against Tenant of a petition to have Tenant adjudged a bankrupt or a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Tenant, the same is dismissed within sixty (60) days); the appointment of a trustee or receiver to take possession of substantially all of Tenant's assets, located at the Leased Premises, or, of Tenant's interest in this Lease, where possession is not restored to Tenant within thirty (30) days; or, the attachment, execution, or other judicial seizure of substantially all of Tenant's assets located at the Leased Premises or of Tenant's interest in this Lease where such seizure is not discharged within thirty (30) days; or

(v) The filing or recordation of a lien against the Leased Premises, the Building or the Silver King Market Place as a whole due to any action or inaction of Tenant.

## B. REMEDIES

(i) In the event of any such default or breach by Tenant, Landlord may at any time thereafter, with or without notice or demand and without limiting Landlord in the exercise of any right or remedy which Landlord may have by reason of such default or breach:

(ii) Terminate Tenant's right to possession of the Leased Premises by any lawful means, in which case this Lease shall terminate and Tenant shall immediately surrender possession of the Leased Premises to Landlord. In such event Landlord shall be entitled to recover from Tenant all damages incurred by Landlord by reason of Tenant's default, including but not limited to, the cost of recovering possession of the Premises; expenses of reletting, including necessary renovation and alteration of the Premises; reasonable attorneys' fees; any real estate commission actually paid; and the worth at the time of award by the court having jurisdiction thereof of the amount by which the unpaid rent for the balance of the term after the time of such award exceeds the amount of such rental loss for the same period that Tenant provides could be reasonably avoided. In the event Tenant shall have abandoned the Premises, Landlord shall have the option of: 1) retaking possession of the Premises and recovering from Tenant the amount specified in this paragraph; or 2) proceeding under subsection (iii) immediately below.

(iii) Maintain Tenant's right to possession, in which case this Lease shall remain in effect whether or not Tenant shall have abandoned the Premises. In such event, Landlord shall be entitled to enforce all of Landlord's rights and remedies under this Lease, including the right to recover the rent as it becomes due hereunder.



(iv) Pursue any other remedy now or hereafter available to Landlord under the laws or judicial decisions of the State of Arizona, including the right to declare a landlord's lien on Tenant's personal property located on the Leased Premises. Where a landlord's lien is declared by Landlord, Landlord may, without notice or demand to Tenant, terminate Tenant's right to possession of the premises until Landlord has secured sufficient personal property or full payment of rent to satisfy the amount of rent owed. Should Landlord declare a landlord's lien on the Leased Premises pursuant to this paragraph, this Lease shall not be considered terminated, and Landlord shall have a right to recover rent as it becomes due.

C. DEFAULT BY LANDLORD

Landlord shall not be in default unless Landlord fails to perform obligations required of Landlord within a reasonable time, but in no event later than fifteen (15) days after written notice by Tenant to Landlord and to the holder of any first mortgage or deed of trust covering the Premises whose name and address shall have theretofore been furnished to Tenant in writing, specifying wherein Landlord has failed to perform such obligations; provided however, that if the nature of Landlord's obligation is such that more than fifteen (15) days are required for performance, then Landlord shall not be in default if Landlord commences performance within such thirty day period and thereafter diligently prosecutes the same to completion. If Landlord does not perform, the holder of any first mortgage may perform in Landlord's place and Tenant must accept such performance.

D. HOLDOVER BY TENANT

If Tenant shall hold over after expiration of the Initial Term, or any extension of the Initial Term, such tenancy shall be from month-to-month only upon such terms, covenants and conditions as set forth herein except for those relating to the term of the Lease. Any such month-to-month tenancy may be terminated by Landlord upon thirty (30) days notice to Tenant. However, nothing herein shall be construed as or deemed a waiver of any rights of Landlord to take such action in law or equity as Landlord may have under the provisions of this Lease or otherwise.

E. BANKRUPTCY OF TENANT

If Tenant should make a general assignment for the benefit of creditors, or file a voluntary petition in bankruptcy, or be adjudicated bankrupt or insolvent, or permit a receiver to be appointed to take possession of a substantial portion of the Tenant's assets or of this leasehold, and such bankruptcy, insolvency or receivership proceedings not be dismissed within thirty days, then Lessor may, without notice or demand, terminate this Lease and forthwith re-enter and repossess the demised premises and remove all persons, and under no circumstances shall this Lease be assigned or transferred by operation of law.

18. DAMAGE AND DESTRUCTION

Subject to the Insurance provisions contained herein, if the Leased Premises or any part thereof or any appurtenance thereto is so damaged by fire, casualty or structural defects that the same cannot be used for Tenant's purposes, then Tenant shall have the right within ninety (90) days following damage to elect by notice to Landlord to terminate this Lease as of the date of such damage. In the event of minor damage to any part of the Leased Premises, and if such damage does not render the Leased Premises unusable for Tenant's purposes, Landlord shall promptly repair such damage at the cost of Landlord. In making the repairs called for in this paragraph, Landlord shall not be liable for any delays resulting from strikes, governmental restrictions, inability to obtain necessary materials or labor or other matters which are beyond the reasonable control of Landlord. Tenant shall be relieved from paying rent and other charges during any portion of the Lease term that the Leased Premises are inoperable or unfit for occupancy, or use, in whole or in part, for Tenant's purposes. Rentals and other charges paid in advance for any such periods shall be credited on the next ensuing payments, if any, but if no further payments are to be made, any such advance payments shall be refunded to Tenant subject to the provisions of this Lease which may permit Landlord to retain such payments. The provisions of this paragraph extend not only to the matters aforesaid, but also to any occurrence which is beyond Tenant's reasonable control and which renders the Leased Premises, or any appurtenance thereto, inoperable or unfit for occupancy or use, in whole or in part, for Tenant's purposes.

#### 19. TITLE

A. Subordination. Tenant shall, upon the request of Landlord in writing, subordinate this Lease to the lien of any present or future institutional mortgage/deed of trust upon the Leased Premises irrespective of the time of execution or the time of recording of any such mortgage; provided, however, that as a condition to such subordination, the holder of any such encumbrance shall enter first into a written agreement with Tenant reasonably satisfactory to such encumbrancer in form suitable for recording to the effect that:

(i) In the event of foreclosure or other action taken under the encumbrance by the holder thereof, this Lease and the rights of Tenant hereunder shall not be disturbed but shall continue in full force and effect so long as Tenant shall not be in default hereunder; and

(ii) Such holder shall permit insurance proceeds and condemnation proceeds to be used for any restoration and repair required by the Damage and Insurance provisions of this Lease. Tenant agrees that if the encumbrancer or any person claiming under the encumbrancer shall succeed to the interest of Landlord in this lease, Tenant will attorn to and recognize said encumbrancer or person as its Landlord under the terms of this Lease; provided, that said encumbrancer or person for the period during which said encumbrancer or person respectively shall be in possession of the Leased Premises and thereafter their respective successors in interest shall assume all of the obligations

of Landlord hereunder, but shall not be liable for prior defaults of Landlord hereunder. The word "mortgage", as used herein includes mortgages, deeds of trust or other similar instruments, and modifications, and extensions thereof. The term "institutional mortgage" means a mortgage securing a loan from a bank (commercial or savings) or trust company, insurance company or pension trust or any other lender institutional in nature and constituting a lien upon the Leased Premises.

B. Quiet Enjoyment. Landlord covenants and agrees that upon Tenant paying the rent and observing and performing all of the terms, covenants and conditions on Tenant's part to be observed and performed hereunder, that Tenant may peaceably and quietly have, hold, occupy and enjoy the Leased Premises in accordance with the terms of this Lease without hindrance or molestation from Landlord or any persons lawfully claiming through Landlord.

## 20. ATTORNEYS' FEES

In the event of any legal action between Landlord and Tenant to enforce any of the provisions and/or rights hereunder, the unsuccessful party to such action agrees to pay to the other party all costs and expenses, including reasonable attorneys' fees incurred in prosecuting or defending such action, and if judgment is recovered in such action or proceeding, such costs, expenses and attorney's fees shall be included in and as a part of such judgment.

## 21. NOTICES

Any notice required to be given by or to either Landlord or Tenant pursuant to this Lease, shall be in writing and shall be forwarded by certified mail, postage prepaid, addressed as follows:

### For Landlord:

Town of Florence  
Town Manager  
P.O. Box 2670  
775 North Main Street  
Florence, AZ 85132

### For Tenant:

Kim Ehlebracht  
Bucks 4 Style, LLC  
P. O. Box 169  
Florence, AZ 85132

## 22. WAIVER

A waiver of any breach of this Lease, or of any of the terms or conditions by either party hereto, shall not be deemed a waiver of any repetition of such breach or in any way affect any other terms or conditions hereof. No waiver shall be valid or binding unless it shall be in writing and signed by the parties.

## 23. CANCELLATION OF AGREEMENT

Pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein by reference, all parties are hereby put on notice that this Lease is subject to cancellation by Landlord if any person significantly involved in initiating, negotiating, securing, drafting or creating this Lease on behalf of Landlord is, at any time while this Lease or any extension of this Lease is in effect, an employee or agent of Tenant in any capacity or a consultant to Tenant with respect to the subject matter of this Lease.

(BALANCE OF THIS PAGE LEFT BLANK INTENTIONALLY; SIGNATURES AND  
ACKNOWLEDGEMENTS APPEAR ON PAGE FOLLOWING)

**IN WITNESS WHEREOF**, Landlord and Tenant have executed this Lease as of the day and year first written above.

**LANDLORD:**

**TOWN OF FLORENCE, an Arizona municipal corporation**

\_\_\_\_\_  
Tom J. Rankin, Mayor

\_\_\_\_\_  
Date

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Lisa Garcia, Town Clerk

\_\_\_\_\_  
Clifford L. Mattice, Town Attorney

**TENANT:**

**BUCKS 4 STYLE, LLC, an Arizona limited liability company**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF ARIZONA        )  
  ) ss.  
County of Pinal            )

On this \_\_\_\_ day of \_\_\_\_\_, 2015, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, the \_\_\_\_\_ of Bucks 4 Style, LLC, an Arizona limited liability company, and that as such, being authorized so to do, executed the foregoing instrument for the purpose therein contained on behalf of the said company.

(Seal and Expiration Date)

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_

ATTACHMENT A

# **Bucks 4 Style Clothing Consignment**

## **Business Plan**

Proprietor:

Kim Ehlebracht  
P. O. Box 169  
390 North Main Street  
Florence, Arizona 85132  
(520)868-9700  
[Bucks4style@yahoo.com](mailto:Bucks4style@yahoo.com)  
[www.bucks4style.com](http://www.bucks4style.com)

# Bucks 4 Style Business Plan

## General Company Description

Bucks 4 Style is a consignment store in downtown Florence, Arizona that offers quality clothing at value prices for men, women, and teens. Kim Ehlebracht is the sole proprietor of the business which opened in June 2014. Bucks 4 Style moved to downtown Florence from its first location within two months of opening. The owner seeks to move to the historic Silver King Marketplace to provide customers with a unique shopping experience.

Vision, Goals, Objectives: The vision of Bucks 4 Style is to become a destination retail store that is locally owned yet gives customers the same level of service as chain consignment stores. Bucks 4 Style will offer the consumer great fashion at inexpensive prices with the highest level of customer service. The store allows customers to recycle their gently used clothing in return for cash or store credit. Items that are consigned are closely inspected so customers are assured of the highest quality merchandise. All customers are given consistent and personalized attention to provide the best customer service possible.

Target Markets: The target markets for Bucks 4 Style are men, women, and teens living and working within Florence and the surrounding areas. By moving to the Silver King Marketplace, Bucks 4 Style will be able to add a limited amount of children's clothing to their product mix.

Industry Overview: According to the National Association of Resale Professionals (NARTS), resale businesses were one of the fastest growing segments of retail during and after the economic recession. The resale industry has grown in the number of stores by about 7% a year for the past two years. There are more than 25,000 resale, consignment and non-profit resale shops in the United States. The resale industry is estimated to have annual revenues of approximately \$12 billion per year. Buffalo Exchange, a resale store based in Tucson, Arizona, now has 45 stores and 3 franchises in 17 states. They generated annual revenues of \$81.6 million in 2012.

## Products and Services

Bucks 4 Style sells gently used clothing and accessories on consignment for men, women, and teens. Merchandise turns over quickly, so there is always something new for customers to choose from that is in style. The owner provides personalized service to make sure customers find the perfect outfit or accessory. Merchandise is accepted on consignment with 40% of the selling price going to the consignor and the remaining 60% to the store. Consignors have the choice of picking up their items or having them donated if they do not sell after 60 days.

## Marketing Plan

The primary trade area is approximately a 15 minute drive time from downtown Florence extending to Anthem and Coolidge. The Florence trade area has approximately 25,536 residents and 3,330 households with a median household income of \$45,114.00. The ESRI Retail Marketplace Profile suggests the current retail leakage for clothing stores is approximately \$2.9



# **Bucks 4 Style Business Plan**

million each year in Florence. This means that most retail clothing sales are happening outside of Florence.

The Bucks 4 Style market position is to offer great deals on quality, gently used clothing and accessories. The number of customers seen each day varies from 50 – 100 during the winter months and 20-30 customers during the summer months, demonstrating the seasonal nature of the economy in Florence.

## **Customers**

Target customers are men, women, and teens looking for value priced clothing; active adults; local residents; employees working in Florence; and visitors from the Phoenix metro area. One of the market segments is the residents living in and around Florence that have ranches and/or they participate in rodeos. This segment tends to shop specifically for jeans, boots, and long sleeve shirts. Active adults 55 and over who spend the winter months from October through April typically buy summer clothes when they are in Florence. The age of the customer base tends to shift in the cooler months to an older demographic with the addition of winter visitors. In contrast, the age of most customers vary from 20 to 40 years old during the summer months. Ultimately, customers range across all demographics because everyone is looking for value.

## **Industry Analysis**

As stated earlier, National Association of Resale Professionals (NARTS) statistics show that resale businesses are one of the fastest growing segments of retail in terms of net new stores with growth about 7% a year for the past two years. NARTS industry statistics and trends also suggest that about 16-18% of Americans will shop at thrift stores in a given year and 12-15% shop in consignment/resale stores. In the same time frame, 11.4% of Americans will shop in factory outlet malls, 19.6% in apparel stores, and 21.3% in major department stores.

Bucks 4 Style has three major competitors in the trade area: a thrift store, Dollar General, and Family Dollar. All three stores sell clothing at deeply discounted prices. Walmart, in Coolidge, could also be considered a competitor because of its clothing sales and pricing.

Competitors' strengths include pricing and in the case of thrift stores, they receive merchandise donations so their cost of goods sold is minimal. In addition, non-profit organizations that operate thrift stores do not always collect Arizona Transaction Privilege Tax unlike for profit businesses that are required to do so by the state.

Competitors' primary weakness is the general lack of name brand and high quality clothing.

## **Strategy**

The Unique Selling Proposition of Bucks 4 Style is to offer gently used, quality clothing and accessories that are budget friendly for families.

# **Bucks 4 Style Business Plan**

Bucks 4 Style is mostly promoted through word of mouth but social media, particularly Facebook and Craigslist, are used to reach customers. The Bucks 4 Style Facebook page has 724 followers and posts are made 3-4 times per week promoting sales and new arrivals. The Craigslist listing describes clothing items and prices, contains photos and keywords for public to search for particular clothing items. These are the most cost effective forms of advertising because both are free.

Another form of promotion is placing business cards on the bulletin board at the local post office and leaving business cards at businesses in the East Valley.

Print advertising includes display ads in holiday and special event sections in the Florence Reminder and Blade Tribune newspaper and in the Chatterbox newsletter at Caliente Del Sol, a 55+ community.

The annual advertising budget is \$300.00 per year which is 5% of the operating budget.

## **Pricing**

Clothing and accessories are generally priced at 65% off of regular retail prices depending on the name brand and whether or not the article is brand new or slightly used.

## **Operations**

There is no set requirement for square footage for the business, but a minimum of 1,400 square feet provides an adequate space to display merchandise. Ideally, Bucks 4 Style could be located in a space between 1,500 sf and 3,000 sf.

The store's current location in downtown takes advantage of walk-in traffic. Moving to the Silver King Marketplace will probably increase foot traffic in the store because there are two other successful businesses in the building with established clientele. Customer parking is on-street and adequate at this time.

The hours of operation during the Summer are Tuesday through Friday 10:00 a.m. to 6:00 p.m. and Saturdays from 10:00 am to 3:00 pm. Winter hours are Monday through Friday 10:00 am to 6:00 pm and Saturdays from 10:00 a.m. to 3:00 p.m.

Equipment that is needed includes clothing racks, grid wall for merchandise display, a cash register and point of sale software. An internet connection is needed for the credit card machine.

## **Management**

The owner, Kim Ehlebracht, has extensive bookkeeping and customer service experience that is very useful in the daily operation of the consignment store. Kim has been in business for one year and personally operates the store on a daily basis. There are times during certain community

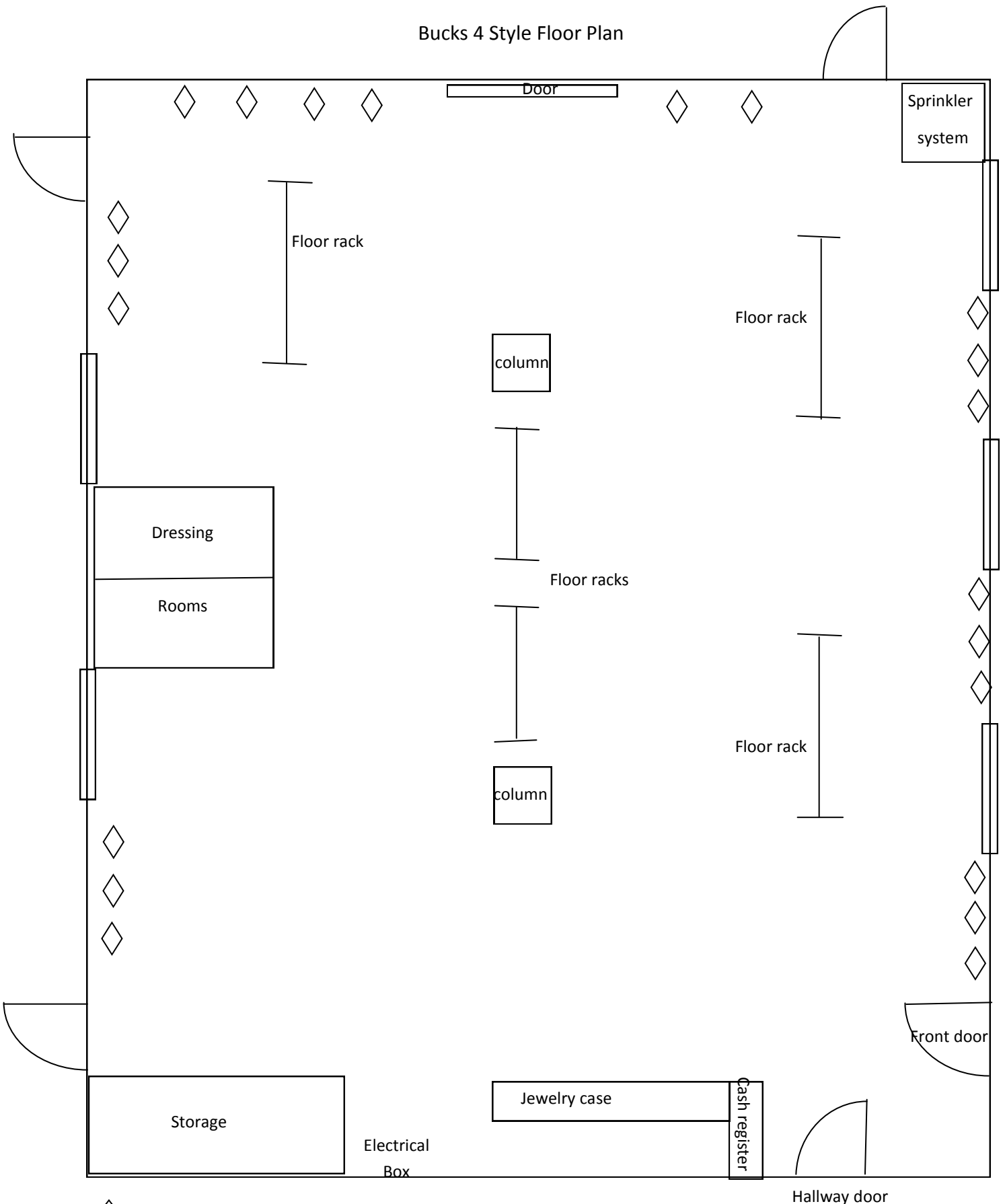
## **Bucks 4 Style Business Plan**

special events that bring large crowds to Main Street where the help of family and friends is needed to operate the store.

As sales increase, there will be a need for an employee to assist with business operations. The goal is to develop a payroll budget to understand the point in which sales increase enough to support hiring an employee. That employee will be expected to maintain the high standards of customer service that have been established by the business owner. The qualities that will be sought in the employee will be honesty, reliability, the ability to make a great first and last impression on customers and the ability to make customers feel special.

# ATTACHMENT B

## Bucks 4 Style Floor Plan



◇ Grid wall hang rails

Not to Scale

# MEMORANDUM

To: Mayor and Town Council  
 From: Lisa Garcia, Interim Town Manager  
 Copy: Department Heads  
 Date: July 20, 2015  
 Re: Bi-Weekly Update



## CFD Special Assessment Information

At the Special Meeting held July 13, 2015, Council had questions about the full payout of the CFD Special Assessments. Council should note that the interest rate fluctuates among districts and units, because of the timing of the sale of the bonds. Districts 10 and 20 were the first districts formed in the subdivision and have multiple units. Districts 10 and 20 payments are factored over 24 years. All other units are factored for 25 years. Because of this, the administration fees are different. The total amount paid is what would be paid by a homeowner factored over 24 or 25 years. This amount does not include any fees that would be incurred if the assessment is delinquent. Rounding issue from Unit 22A to 22B creates a difference of 10 cents over a 25-year period of paying assessments. If Council has more questions they should feel free to contact Ernie Felix, Town of Florence Grants and Assessments Manager at 520 868-8300.

**Assessment Amounts and Interest Rates for Community Facilities Districts**

District Number	Unit Number(s)	Total Principal Amount	Total Interest Paid	Total Admin. Fee	Total Amount Paid	Interest Rate %
10	4,8,10,11, 12,13,14	\$3,500.00	\$2,813.77	\$816.00	<b>\$7,129.77</b>	Variable 4.3-5.3
11	54	\$3,500.00	\$5,403.26	\$850.00	<b>\$9,753.26</b>	9.00
12	17	\$3,500.00	\$4,331.91	\$850.00	<b>\$8,681.91</b>	7.50
13	18	\$3,500.00	\$4,234.20	\$ 850.00	<b>\$8,584.20</b>	7.50
14	17B	\$3,500.00	\$3,965.95	\$ 850.00	<b>\$8,315.95</b>	6.875
15	2	\$3,500.00	\$4,227.09	\$ 850.00	<b>\$8,577.09</b>	7.25
16	9A	\$3,500.00	\$4,227.09	\$ 850.00	<b>\$8,577.09</b>	7.25
17	9B	\$3,500.00	\$3,923.54	\$ 850.00	<b>\$8,273.54</b>	6.875
18	16	\$3,500.00	\$3,923.54	\$ 850.00	<b>\$8,273.54</b>	6.875
19	17C	\$3,500.00	\$3,923.54	\$850.00	<b>\$8,273.54</b>	6.875
20	4,19,21,23,25,27,39	\$3,500.00	\$2,788.15	\$816.00	<b>\$7,104.15</b>	Variable 4.3-5.3
21	29	\$3,500.00	\$5,403.19	\$850.00	<b>\$9,753.19</b>	9.00
22	40	\$3,500.00	\$5,403.30	\$850.00	<b>\$9,753.30</b>	9.00
23	20	\$3,500.00	\$4,657.54	\$850.00	<b>\$9,007.54</b>	7.75
24	22A	\$3,500.00	\$3,925.79	\$850.00	<b>\$8,275.79</b>	6.75
25	22B	\$3,500.00	\$3,925.69	\$850.00	<b>\$8,275.69</b>	6.75

## **CFD Policy and Procedures**

The Town of Florence Community Facilities District Policy and Procedure adopted on November 19, 2007 was placed in your box on July 16, 2015 for your review.

### **Council Liaisons Assignments by Mayor:**

Councilmember Wall is assigned as liaison to the Florence Unified School District. Mayor Rankin is assigned as EOC liaison.

### **Council Seating**

Seating assignments changes (West to East entering stage). New seating will be as follows:

Seat 1	Council Member Hawkins
Seat 2	Council Member Wall
Seat 3	Council Member Woolridge
Seat 4	Mayor Rankin
Seat 5	Vice-Mayor Walter
Seat 6	Council Member Guilin
Seat 7	Council Member Anderson

### **Cuen Building**

The Mayor and Council of the Town of Florence awarded the bid to acquire the Cuen building to the Happy Adobe owner, Mr. Stephen T. Smallidge, on April 6, 2015. Town staff subsequently titled and turned over the building to Mr. Smallidge on May 13, 2015. Deed restrictions pertaining to the first phase of the ultimate restoration (the stabilization phase) require that the property owner stabilize the subject building within 100 days from the turnover date (May 13, 2015). Stabilization was defined in the deed restrictions and all work requires appropriate plans, permits and Town approvals. The 100<sup>th</sup> day from recordation of the title is August 14, 2015. Mr. Smallidge is working with the Town and has attended meetings with staff and the Historic District Advisory Commission (HDAC) in an attempt to move his stabilization plans forward. Mr. Smallidge is scheduled to appear before the HDAC on July 22, 2015 for the purpose of obtaining approval of his Design Review application. Though progress is being made and staff and Mr. Smallidge are working towards a common goal, it is clear that additional time is needed to complete the Phase One stabilization. Provisions of the title provide for 30 day extensions at the sole discretion of the Town. It is the goal of the Town to work with Mr. Smallidge and to see the Cuen building rehabilitated. As such, staff is in favor of providing additional time for Mr. Smallidge to obtain all necessary approvals and to complete the Phase One work. As noted in the deed restrictions, the owner will then need to complete the full restoration making the building ready for occupancy.

**Community Training offered at Library:** The Florence Community Library is holding a two part session on effectively working as a team. This series is open to the public and seating is limited. I will be attending both sessions and encourage participation from community leaders. Please contact the Library at (520) 868 - 8311 if you would like to attend.

Ready, Set, Go Workshop 1: August 27, 2015 from 9am to 12pm OR 1pm to 4pm  
Working effectively as a team is critical for community leaders. The workshop will begin

with an exploration of a new model of shared leadership called Collective Leadership. This framework will help leaders think about what's possible when leadership is shared and cultivated within teams, organizations and across organizations. Collective Leadership can help leaders work together effectively toward shared program, organizational, and community goals. Participants will learn about two approaches to positive change, called Appreciative Inquiry and Asset Based Community Development (ABCD). These approaches identify what is working and community strengths – and then apply these toward community goals. Participants will be introduced to Polarity Management. This framework helps groups get unstuck and move forward. When groups understand polarities (seemingly opposing forces actually both required for a good outcome) and utilize strategies to help manage polarities -- new perspectives and possibilities are seen for moving forward. Examples of polarities are stability and change, vision and reality, and quantity and quality.

Ready, Set, Go Workshop 2: September 3, 2015 from 9am to 12pm OR 1pm to 4pm  
In this workshop participants will explore a new and emerging framework of community change called Collective Impact. This is a multi-organizational approach to community change that involves aligning organizational work towards shared community goals. Critical to the success of community engagement and community building are effective meetings. Participants will learn strategies to plan effective meeting agendas, and facilitate successful meetings.

#### **Council Work Session/Training:**

CFD Work Session: A work session has been scheduled at the Parkside Community Room on October 13, 2015 (tentatively scheduled) and Sun City ballroom on October 26, 2015 (both are from 6:00 p.m. to 8:00 p.m.) to share Community Facility District information with the residents. Staff is working with Pulte, Town Bond Counsel, and CFD District Attorney on the presentation.

Open Meeting Law Training: Training has been scheduled for August 31, 2015 from 6:00 p.m. to 8:00 p.m. in the Florence Town Council Chambers. Members of council, boards, commissions and staff liaisons are encouraged to attend. Note: members of the public are welcome to attend. We ask that all attending RSVP to Patricia Buchanan at 868.7652. Those who do not RSVP will not receive a meeting packet.

#### **Development Impact Fee Annual Reports**

Development Impact Fee Annual Reports for Fiscal Years 2004-2004 through 2013-2014 have been placed in binders on the shelf in the Town Council Office for review. If Council would like individual copies of each report please let me know.

#### **Employment Related Matters:**

1. The Town Attorney's first day of employment is July 20, 2015.
2. Offer as been made and accepted for the position of Finance Director. Introduction to Council will be made during the Manager Report Section of the July 20, 2015 meeting.
3. The Town will not be moving forward with the reorganization of the Public Works Department or Town Engineer Department. We have moved forward with hiring an Engineering Technician.

4. Staff is working on recruitments for the following positions.
  - a. Customer Service Representative closes on August 3, 2015.
  - b. Fire Chief: Recruitment materials are being formulated and will be issued in by the end of this month.
  - c. Town Manager: Per Council direction staff will present a proposed recruitment plan for consideration at the July 27, 2015 meeting. Town Planner interviews are underway.
  - d. Wastewater Treatment Plant applications are under review.
  - e. Library Aide (Part-Time) recruitment closes on July 17, 2015.

**Magic Ranch/Arizona Farms Annexations:**

Magic Ranch/Arizona Farms Annexations: The judge has just scheduled oral arguments on the pending motions for July 23, 2015 at 1:30 p.m.